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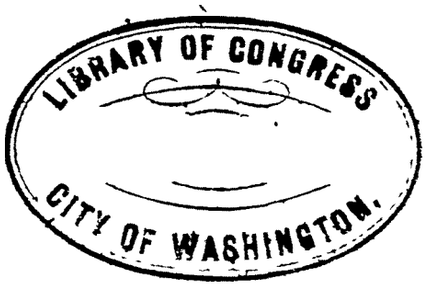
HOUSE JOURNAL

OF THE

TWELFTH LEGISLATURE,

STATE OF TEXAS.

FIRST SESSION.



AUSTIN:
TRACY, SIEMERING & CO., STATE JOURNAL OFFICE.
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HOUSE JOURNAL.

TWELFTH LEGISLATURE.

HOUSE OF REPRESENTATIVES,
AUSTIN, APRIL 26, 1870.

House met pursuant to the following proclamation:

[OFFICIAL.]

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS.

WHEREAS, It has come to my knowledge that the Congress of the United States has accepted the Constitution of Texas. and admitted said State to representation in that body; and,

WHEREAS, It is desired to restore, without delay, the local government of said State to the civil authorities thereof;

Now, therefore, I, Edmund J. Davis, Governor of said State, do hereby request the Senate and House of Representatives of the same, to meet in session at the Capitol, in the city of Austin, on Tuesday, the twenty-sixth day of April, A. D. 1870, then and there to inaugurate the regular State Government, and to enter upon such general and special legislation as may be in compliance with the spirit and letter of the constitution recently adopted by the people of Texas, and, in the judgment of said Senate and House of Representatives, advisable for the peace and welfare of the people of Texas.

In testimony whereof, I have hereunto signed my name, and caused the great seal of the State to be affixed at the city of Austin, this second day of April, in the year of our Lord one thousand eight hundred and seventy, and the independence of Texas the thirty-fifth.

SEAL.

EDMUND J. DAVIS,
Governor of Texas.

By the Governor:
JAMES P. NEWCOMB,
Secretary of State.

The following act of the Congress of the United States was then read:

1. *An Act to admit the State of Texas to representation in the Congress of the United States.*

WHEREAS, The people of Texas have framed and adopted a Constitution of State Government which is Republican; *and whereas*, the Legislature of Texas, elected under said Constitution, has ratified the Fourteenth and Fifteenth Amendments to the Constitution of the United States: *and whereas*, the performance of these several acts in good faith is a condition precedent to the representation of the State in Congress; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said State of Texas is entitled to representation in the Congress of the United States: *Provided*, that before any member of the Legislature of said State shall take or resume his seat, or any officer of said State shall enter upon the duties of his office, he shall take and subscribe, and file in the office of the Secretary of State of Texas, for permanent preservation, an oath or affirmation in the form following: "I, ————, do solemnly swear (or affirm) that I have never taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterward engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof: so help me God," (or, under the pains and penalties of perjury, as the case may be.) Or such persons shall in like manner take and subscribe, and file the following oath or affirmation; "I, ——, do solemnly swear (or affirm) that I have, by act of Congress of the United States, been relieved from the disabilities imposed upon me by the Fourteenth Amendment of the Constitution of the United States: so help me God," (or, under the pains and penalties of perjury, as the case may be;) which oaths or affirmations shall be taken before and certified by any officer lawfully authorized to administer oaths. And any person who shall knowingly swear or affirm falsely in taking either of such oaths or affirmations shall be deemed guilty of perjury, and shall be punished therefor by imprisonment not less than one year and not more than ten years, and shall be fined not less than one thousand dollars and not more than ten thousand dollars. And in all trials for any violation of this act, the certificate of the taking of either of said oaths or affirmations,

with proof of the signature of the party accused, shall be taken and held as conclusive evidence that such oath or affirmation was regularly and lawfully administered by competent authority: *And provided further*, That every such person who shall neglect for the period of thirty days next after the passage of this act to take and subscribe, and file such oath or affirmation as aforesaid, shall be deemed and taken to all intents and purposes to have vacated his office: *And provided further*, That the State of Texas is admitted to representation in Congress as one of the States of the Union upon the following fundamental conditions: *First*, That the Constitution of Texas shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote who are entitled to vote by the Constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State: *Provided*, That any alteration of said Constitution prospective in its effects, may be made in regard to the time and place of residence of voters; *Second*, That it shall never be lawful for the said State to deprive any citizen of the United States, on account of his race, color or previous condition of servitude, of the right to hold office under the Constitution and laws of said State, or upon any such ground to require of him any other qualifications for office than such as are required of all other citizens; *Third*, That the Constitution of Texas shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the school rights and privileges secured by the Constitution of said State.

Approved March 30, 1870.

The proclamation of the Governor of the State of Texas convening the Legislature was then read.

Roll of members was then called.

The Speaker was then qualified by Judge Walker.

Mr. Hill moved that the members be sworn in by districts.

Mr. Butler moved to insert five districts instead of one.

Carried.

The question then recurred upon the adoption of the resolution as amended.

Carried.

The following members then came forward and qualified.

First District—W. T. Simmons, T. J. Chambers.

Second District—Abney.

Third District—Burnett, Cooper.

Fourth District—Stirman, Manning, Morrison.
Fifth District—Booty, Lacy, Tinsley.
Sixth District—Peirson, Slaughter.
Seventh District—Kendall, H. Moore.
Eighth District—Morris, Johnson, Robinson.
Ninth District—Hill, Moore, R. L.
Tenth District—Becton, Ellis.
Eleventh District—McKee, J. R., Austin.
Twelfth District—Plumley, Sinclair, Prissic.
Thirteenth District—Abbott, C. L., Sheriff.
Fourteenth District—H. R. Allen, Richard Allen, Dupree.
Fifteenth District—Butler, Williams, R.
Sixteenth District—Stockbridge, Schlotman.
Seventeenth District—Gardiner, Haswell.
Eighteenth District—Burley, Cotton.
Nineteenth District—Medlock, Crudup, Mullins.
Twentieth District—Abbott, Jo.; Young.
Twenty-first District—Lane.
Twenty-third District—Hughes, Weaver, J. C., Ross.
Twenty-fourth District—York, Grothaus, Camp.
Twenty-fifth District—Wilkinson, Williams, B. F., Youngkin.
Twenty-sixth District—Hamilton, Zapp.
Twenty-seventh District—Dorris, Davis.
Twenty-eighth District—Kyle, Miller, Jenkins.
Twenty-ninth District—Locke, Tegener, Zoeller, Cox.
Thirtieth District—Schlickum, Evans.

Mr. Morrison offered the following resolution:

Resolved, That a committee of five be appointed by the Speaker to act in conjunction with a committee of the Senate, to prepare all necessary arrangements for the inauguration of Governor Davis, on Thursday. April 28, 1870.

Mr. Butler moved that the rules be suspended for the consideration of the resolution.

Rules suspended.

On motion of Mr. Camp the resolution was adopted.

The Speaker appointed Messrs. Sinclair, Tegener, Plumley, Chambers and J. R. McKee, as the Committee of Arrangements.

Mr. Plumley asked the addition of three members to the Committee on Rules.

Carried.

The Speaker announced Messrs. Burnett, Morrison and Lane as the additional members.

Mr. Lane requested that a communication from A. D. Elam be read.

Granted.

Mr. Morrison moved that the communication be referred to the Committee on Privileges and Elections.

It was so ordered.

On motion of Mr. Morris the House adjourned until ten o'clock, to-morrow morning.

HOUSE OF REPRESENTATIVES,
AUSTIN, APRIL 27, 1870.

House met pursuant to adjournment.
Roll called.
Quorum present.
Journal of yesterday read and adopted.
Mr. Hill moved that the members who had not yet qualified be allowed to do so.
Carried.
The following members then came forward and took the oath.

Second District—Robb.
Ninth District—McLean.
Eighteenth District—Adams.
Twenty-sixth District—Schuetze.
Twenty-Eighth District—Posey.

Mr. Morris offered the following resolution:

Resolved, That the officers of the House of Representatives of the late adjourned Provisional Legislature be and are hereby retained.

Mr. Butler moved to lay the resolution on the table.
Upon which the yeas and nays were demanded and stood:
Yeas—Austin, Abney, R. Allen, H. R. Allen, Adams, Abbott, Becton, Butler, Burley, Booty, Chambers, Colton, Camp, Cox, Dupree, Dorris, Ellis, Grothaus, Hughes, Jenkins, Kyle, Kendall, Lacy, Lane, Morris, H. Moore, McKee, Pierson, Prissic, Robb, Slaughter, Stockbridge, Tegener, Tinsley, Wilkinson, Williams, Weaver, Williams, Young, York, Youngkin, Zoeller—42.
Nays—Abbott, Burnett, Cooper, Crudup, Hill, Hamilton, Hazwell, Johnson, Locke, Manning, Morris, McLean, Mullins, Medlock, Miller, Moore, Posey, Plumley, Robinson, Ross, Slickum, Schuetze, Sheriff, Sinclair, Stirman, Zapp—26.
Resolution laid on the table.
Mr. Abney moved a reconsideration of the vote.
Lost.
The Speaker then laid before the House the resignation of Mr. L. J. Gallant as Chief Clerk of the House of Representatives.
Mr. Morrison moved that the resignation of Mr. L. J. Gallant be accepted.
Carried.

Mr. Butler moved that the House proceed with the election of Chief Clerk.

Carried.

Mr. Slaughter placed in nomination the name of John G. Boyle.

Mr. Sinclair moved that Mr. Boyle be elected by acclamation.

Carried.

Mr. J. G. Boyle was declared duly elected Chief Clerk of the House of Representatives.

The Speaker then laid before the House the resignation of L. W. Collins as Second Assistant Clerk of the House of Representatives.

Mr. Abney moved that the resignation of L. W. Collins be accepted.

Carried.

Mr. Morrison moved that the House proceed to the election of a Second Assistant Clerk.

Carried.

Mr. Morrison nominated E. C. Bartholomew for Second Assistant Clerk.

Mr. B. F. Williams moved that Mr. E. C. Bartholomew be elected by acclamation.

Carried.

Mr. Butler moved that the position of First Assistant Clerk be declared vacant.

Carried.

Mr. Sinclair moved that the House proceed to the election of First Assistant Clerk.

Carried.

Mr. Abbott nominated Mr. R. A. Henderson.

Mr. Abney moved that Mr. Henderson be elected by acclamation.

Carried.

Mr. Slaughter moved that the House authorize the appointment of Journal Clerk.

On which the yeas and nays were demanded, and stood as follows:

Yeas—Messrs. Speaker, Abney, Abbott, Butler, Burley, Burnett Cotton, Cox, Dupree, Grothaus, Hill, Johnson, Kendall, Locke, Manning, Morrison, Moore, Morris, Mullins, Medlock, Pierson, Plumley, Prissic, Robinson, Slickum, Schuetze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Wilkinson, B. F. Williams, Williams, York, Youngkin, Zapp—38.

Nays—Messrs. Austin, H. R. Allen, R. Allen, Adams, Abbott, Becton, Booty, Chambers, Cooper, Crudup, Camp, Dorris, Ellis, Hughes, Hamilton, Haswell, Jenkins, Kyle, Lacy, Lane, McLean, McKee, Moore, Posey, Robb, Stirman, Weaver, Young—28.

So the House authorized the appointment of a journal clerk.

Mr. Robinson moved that the journal clerk be appointed by the Speaker.

Carried.

Mr. Hughes offered the following resolution:

Resolved, That this body, as the first representative body ever assembled under the present constitution of the State, proceed to regularly organize by the election of a Speaker and other officers as required by law.

Mr. Locke moved that the resolution be laid upon the table.

Mr. Morrison moved a call of the House.

Call sustained.

Absentees—Messrs. Gardiner and Miller.

Mr. Allen moved that the call of the House be suspended.

Call suspended.

The question then recurred upon the motion to lay the resolution on the table.

The resolution was laid on the table.

Mr. B. F. Williams moved to confirm the present organization of the House.

By leave of the House the motion was withdrawn.

Mr. Slaughter offered the following resolution:

Resolved, That the use of this hall be granted Dr. W. C. Hurley every evening for lecturing purposes during his stay in this city.

Mr. Abney moved the adoption of the resolution.

Carried.

Mr. Morrison moved that the Committee on Privileges and Elections be authorized to employ a clerk for the committee.

It was so ordered.

Mr. R. L. Moore presented a petition of Mr. Lyons, and requested that it be referred to the Committee on Privileges and Elections.

It was so ordered.

Mr. Youngkin offered the following resolution:

WHEREAS, It hath pleased Almighty God to remove from among us, by death, the Honorable A. K Foster, State Senator from the Twenty-Fifth District, who departed this life at Hallettsville, Texas, on the ninth day of March, 1870; and

WHEREAS, It is meet and proper that we should express our sense

of regret and sorrow at his loss, and pay a tribute of respect to his memory; therefore, be it

Resolved, That the members of the House of Representatives have learned with unfeigned regret and sorrow of the death of the Hon. A. K. Foster, Senator from the Twenty-Fifth District.

Resolved, That in the death of Senator Foster the State of Texas has lost an able and worthy representative and public servant, society a useful and upright citizen, and his family an affectionate husband and father.

Resolved, That we deeply sympathise with the bereaved widow and children and relatives of the deceased; and that a copy of these resolutions be forwarded by the Speaker of this House to the widow of the deceased.

On motion of Mr. Sinclair the resolution was adopted.

Mr. Burnett moved that the Senate be informed of the action of the House, and that in respect to the memory of the late Senator Foster the House stand adjourned until to-morrow morning, at ten o'clock.

It was so ordered.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 28, 1870.

House met pursuant to adjournment.
Roll called.
Quorum present.
Journal of yesterday read and adopted.
A committee from the Senate announced that that body was organized, and prepared to proceed to the transaction of business.
Mr. Butler moved that those members present who have not qualified be now allowed to do so.
Carried.
The following members then came forward, qualified, and took their seats:

Third District—M. A. Gaston.
Eleventh District—J. R. McKee.
Fifteenth District—C. D. Harn.
Sixteenth District—W. Schlotman.

The Speaker announced that he had received a communication inviting the House of Representatives to attend the barbecue given by the late First Texas Cavalry.
Mr. Butler moved that the invitation be accepted, and spread upon the minutes.
The Committee on Rules made the following report:

REPRESENTATIVE HALL,
April 28th, 1870.

HON. IRA H. EVANS.
Speaker of the House of Representatives:

SIR: The Committee on Rules respectfully report the following rule, and recommend its adoption:

RULE —. All standing committees shall be appointed by the Speaker, who shall designate the Chairman of each committee.
The standing committees shall be as follows, in their order:

1. Committee on the Judiciary.
2. Committee on Internal Improvements.
3. Committee on Education.
4. Committee on Immigration.
5. Committee on Federal Relations.
6. Committee on State Affairs.

7. Committee on Public Lands and Land Office.
8. Committee on Commerce and Manufactures.
9. Committee on Finance.
10. Committee on Agriculture and Stock Raising.
11. Committee on Indian Affairs.
12. Committee on the Penitentiary.
13. Committee on the Militia.
14. Committee on Counties and County Boundaries.
15. Committee on Town and City Corporations.
16. Committee on Roads and Bridges and Ferries.
17. Committee on Claims and Accounts.
18. Committee on the Public Debt.
19. Committee to Examine Comptroller's and Treasurer's Offices.
20. Committee on Privileges and Elections.
21. Committee on Printing and Contingent Expenses.
22. Committee on Public Buildings and Grounds.
23. Committee on Engrossed Bills.
24. Committee on Enrolled Bills.

Respectfully submitted,

PLUMLEY,
Chairman of Committee on Rules.

On motion of Mr. Plumley the report was adopted.

Mr. Cooper offered the following resolution:

Resolved, That the Speaker be authorized and requested to appoint one additional Assistant Sergeant-at-Arms.

Laid over under the rules.

Mr. Schuetze offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to provide the American eagle over the chair of the Speaker of the House of Representatives, with the motto, "*E Pluribus Unum*," which had been removed by unlawful legislation during the late rebellion.

Mr. Schuetze moved a suspension of the rules.

Rules suspended.

On motion of Mr. Morris the resolution was adopted.

Mr. Burnett moved a suspension of the rules for the consideration of the resolution offered by Mr. Cooper.

Lost.

Mr. Butler moved to take a recess until fifteen minutes after ten o'clock.

Carried.

10:50 A. M.

House called to order.

The Sergeant-at-Arms announced the Senate waiting.

Roll of members called.

Quorum present.

Prayer by Rev. R. A. Rogers.

The Speaker then introduced to the assembly His Excellency E. J. Davis, Governor elect, State of Texas.

The oath of office was then administered by Chief Justice Morrill.

His Excellency E. J. Davis, then delivered his inaugural address, as follows:

My Fellow Citizens of Texas: This day the government of your State and the control of your destinies is handed over to you. What may fairly be termed the second annexation of Texas is now consummated; but, a Texas very different from that of 1845 is found assuming her functions as a State. That Texas brought with her single star also her thousands of slaves, this Texas knows no bondmen on her soil. We may differ in our opinion of the manner of bringing about this great change, and the necessity for it. We live too near (in time) the scene of this struggle to ever agree that Providence may have directed the issue as part of the great work of improvement and progress of the human race. But sensible men can even now agree to accept the situation as they find it, and after ten years of war and civil disorganization, take a fresh departure in political affairs.

It may be said that the American revolution, opening in 1776, with the proclamation "that all men are created equal," had its verification, and made its promise good only in 1870. But it is fair to admit that few on either side either calculated or desired the full result when entering this closing struggle. While on the one side, the aid of the God of battles was confidently asked to sustain a structure, of which the very corner-stone was a denial of the truth of this declaration, when applied to those whom habit had divested in our minds of their share of humanity; on the other, the sword was mainly taken to preserve a glorious nationality. We did not see then, and it required those years of misfortune to show us the foundation of our trouble. Let us accept this result as an indication and lesson that there is no safe neutral ground for human judgment between right and wrong—that we cannot afford to be unjust to the weakest of God's creatures. Let us be wholly right.

This struggle has, too, taught us a further lesson in self-government. It had been fondly imagined that our government, in the

name and form and as carried out by the general government and the respective States, was perfect; that no human device could improve it. Our education in this belief had been so decided, that we were not even inclined to try to improve it. But we can now see that this, like all other edifices of human creation, had its imperfections, and required repair and improvement. It was designed to, but as time progressed we discovered that it did not "promote the general welfare and secure the blessings of liberty," in all parts of the Union, even to the class which esteemed itself the special object of the provision. While the general government was restrained from all violation of the right of life, liberty and property, it was conceded that the local government had no such restraint, accordingly local despotisms often flourished under the name of State government. There, free speech and thought was limited by the will of the majority, until individual freedom disappeared. It is not so now, and cannot (it is sufficient to say) be so hereafter.

While local self-government still remains, it is within the just bounds that there is a supervisory power over all, far withdrawn from local prejudice and bias, which will temper State action within the limit of security, freedom, and justice to all. This will prove the better government, and under this, freedom at the North or South, on the lakes or on the Pacific, or the Gulf, will be one and the same. Through the length and breadth of the land, free speech and liberty of mind, as well as person, henceforth prevail.

In this faith let us enter upon the great work before us of re-organization, and let us take a survey of the position we are called to occupy. We find that we are about preparing a government for, and shaping the destinies of a territory larger than most of the great earthly powers. Let us realize that we control a part of our globe, large and fertile enough to hold a greater population than the millions now owing allegiance to the National Government. That as it were, we are the advanced guard of this mighty host, and that as we prepare the way for them, so will they find it will be industrious, prosperous, intelligent, law-abiding, temperate; or immoral, lawless, degraded and miserable, as we now plan and devise.

We have it in our hands to place our great State at once among the foremost in wealth, population and civilization, and if we can be made fully sensible of the extent of this, our opportunity and responsibility, we will not fail in the performance of our part. Let us recollect that, in coming years, when time has softened our prejudices and dissipated the memory of the jealousies and party contests of to-day, our reminiscences of this epoch will be pleasant or the contrary, as we now labor for the good of our fellows and the State, or for our own gratification and aggrandizement.

The time has come for us to learn other distinctions than loyal and disloyal. Let us hereafter know no other than that of the good and bad citizen. Let us cultivate a belief that our neighbor who differs in opinion with us, may so differ honestly, and devote ourselves only to emulate him in attachment to the right, and in determination to promote the public good. We must divide into parties, and differ in regard to public policy; and fit and proper is it, in a free country, that this should so be, but let us have this variance with mutual toleration.

Fellow-citizens, the disease under which our political system labored was a severe one, and required a sharp remedy. It unquestionably could only be cured by the application of the national sword. Strange to say, the military, the recognized right arm of despotism, was here summoned to the aid of liberty, and, against our will, has secured it to us. The day is not distant when we will all assent to this: now the heat of the struggle is too strong with us. In no other land has this phenomenon been seen, and, no where but among people educated from infancy to place the civil superior to the military law, may we expect to see what we now witness—the military coming forward (after tasting for years the seductive sweets of unlimited power) with alacrity, as to an agreeable duty, to surrender into the hands of the people a power always temperately executed. No where else than in a republic, where the military are of and from the people, can they be as here, the defenders of freedom. Let us give them, without stint, the credit and honor which is their due. We must, as fair-minded men, concede so much, though this employment of the military may have been totally against our will.

All, too, can agree that it was an unpleasant necessity which forced upon the Republic the coercion of her citizens; all may grieve that this necessity existed, and all now join in the hope that the same has passed away, never again in our history to return. That with enduring peace, will return the respect for order and the forms and majesty of civil law, which, inherited from our forefathers, has followed the English language to all parts of the world.

(Signed)

EDMUND J. DAVIS,
Governor of Texas.

AUSTIN, Texas, April 28th, 1870.

The Senate then retired.

On motion of Mr. Butler, the House adjourned until 10 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES,
AUSTIN, April 29, 1870.

House met pursuant to adjournment.

Roll called.

Quorum present.

Journal of yesterday read and adopted.

Mr. Robinson moved that Mr. Van Noy, who was declared to be entitled to the seat of Mr. M. L. Armstrong, be allowed to qualify.

Mr. Hughes moved to amend by allowing all members present at last session to be now allowed to qualify.

Amendment adopted.

The question recurring upon the adoption of the motion as amended, it was adopted.

The sergeant-at-arms announced a message from the Governor, which was received.

The following members then came forward, qualified and took their seats:

Eleventh District—H. H. Van Noy.

Twenty-first District—A. F. Leonard.

Twenty-first District—B. S. Shelburne.

Twenty-second District—J. R. Cole.

The following message of His Excellency, Governor Davis, was then read:

EXECUTIVE OFFICE,
Austin, April 29th, 1870.

GENTLEMEN OF THE SENATE
AND HOUSE OF REPRESENTATIVES OF TEXAS:

So long time has elapsed since the session, within this State, of a body competent to legislate, that your duties must be many, and their performance tedious and laborious. In addition to ordinary matters of legislation, you will find it incumbent upon you to remodel, to a great extent, the General Statutes, and to accommodate them to the new order of things, and to the radical changes engrafted on our institutions by the constitution lately adopted.

In obedience to that section of the constitution which requires the Governor to recommend to the Legislature "such measures as he may deem expedient," I now propose to call to your attention such of these matters as seem to me of especial importance.

At the outset, I give precedence to a subject which is believed to

be of primary importance in the minds of the great mass of our people, by asking your attention to the consideration of measures to establish law and order throughout the State, and the punishment or repression of crime. I esteem this matter of first importance, because, having peace and security for life and property, everything else will follow, of course. I recommend the passage of a law for efficient organization of the militia, embracing all able-bodied males, between the ages of eighteen and forty-five. It has been found, in some States, a good arrangement to embody a smaller force of such of the militia as may be willing to volunteer into a National Guard, and to aid the latter in arms and equipments, by a levy of a tax on all persons liable to militia duty, who may, by paying the same, avoid enrollment. This policy is recommended to your consideration, as I believe we can thereby secure a more effective and easily handled force, disciplined, armed and equipped, sufficient in numbers for all probable necessity, with little or no cost to the State treasury.

The militia, or military, should, however, only be looked to in extreme emergencies, to aid in sustaining the laws. There is no great reason to apprehend resistance to the law by organized bodies of men; it is generally with individuals, acting independently, that the conservators of law have to deal. It is necessary, therefore, to provide a police system that will enable the officers of the law to follow up and arrest offenders, and that will reach efficiently to all parts of the State. Heretofore, while in some counties or cities the laws are enforced, in other counties the authorities are too weak to enforce respect, or indisposed to do so. These parts of the State furnish a sort of neutral ground, where offenders congregate. I recommend that a police system be adopted, embracing the whole State under one head, and that the police of the different cities, the sheriffs and their deputies and constables, be made a part of that general police, to act in concert with it, and to be subject to the orders of the chief. This officer might also conveniently serve as adjutant general of the militia, or military force, to be authorized by you. A system thus organized can be made without great expense, very efficient in pursuing and bringing to justice offenders, and in destroying lawless organizations.

In connection with matters of public justice, I must invite your attention to the want of safe jails in most of the counties. The means appropriated to this purpose by the local authorities has, in many counties, been insufficient to secure good buildings, and has also often been misspent. It would be good economy for the State to take upon itself the burden of building, on an approved plan, jails and court houses where necessary, and provide for expense of same by a special tax on the people of the county.

The practice, which has become common, of mobs of lawless men assembling and operating in disguise, for the carrying out of some unlawful purpose, must receive your attention. The operations of this class of criminals are generally directed against the recently enfranchised, and where repeated instances have occurred in the same neighborhood, without arrest of the offenders, color is given to the charge that the offenders are protected or encouraged by the majority of the people. There is no offense equalling this in danger to the public security, and I recommend such modification of the criminal code as will provide for punishing it with special severity. These measures will not be complete without such powers are conferred on the Executive as will enable him in any emergency to act with authority of law. We may trust that no combinations of lawless men can be made in any part of the State in sufficient numbers or force to be able to resist the local civil authorities, but as long as such a condition is possible, due caution advises me to be prepared for it. It may also happen that the local authorities would be found in sympathy with the disturbers of the peace. The question of making some provision for the temporary establishment of martial law under certain contingencies, and within limited districts, is therefore submitted to your judgment. The mere knowledge of the fact that such power is given the Executive, and that he will not hesitate to exercise it when the case warrants, will go far toward obviating the necessity for its exercise.

These are measures which I consider necessary to the intimidation of the lawless, and the punishment of offenders, it being, in my opinion, the duty of the State government to see to it that crime is quelled at once. But while the punishment of crime is one of the various objects of human government, the best government, after all, is one that looks rather to the prevention of it.

The establishment of a good system of schools that will secure education to all, will, no doubt, in process of time, operate here, as elsewhere, to the diminishing of offences. But of this I speak hereafter. I would, in this respect of prevention of crimes, call your attention to the provisions of section thirteen of the Bill of Rights, on the subject of bearing arms. The Legislature is there given a control over the privilege of the citizen, in this respect, which was not in the old constitution. There is no doubt that to the universal habit of carrying arms is largely to be attributed the frequency of homicides in this State. I recommend that this privilege be placed under such restrictions as may seem to your wisdom best calculated to prevent the abuse of it. Other than in a few of the frontier counties there is no good reason why deadly weapons should be permitted to be carried on the person.

Next in importance to the measures necessary to the establishment of law and order, you will find the question of providing for the education of the children of the State. No better civilizer has been found than a liberal system of education. Aside from the provisions of our constitution, which make it "the imperative duty" of your body to provide for the education of all children of the scholastic age, experience will hereafter prove that, from any point of view, no money discreetly expended in promotion of universal public education can be considered lost in an economical point of view. It has been found as serviceable to the farmer and artizan as to the professional man.

I have already noticed its effects in abating the catalogue of crimes, but there is a special necessity for education in our country, where the government depends upon the people themselves. The success of Republican institutions and universal suffrage is assured by universal education. The expenditures for this purpose must necessarily be heavy at the outset, in organizing, building schoolhouses, providing books, apparatus, etc., etc. The perpetual school fund provided in article nine of constitution, sections six and eight, is as follows:

1. All funds, lands and other property heretofore set apart, or that may be hereafter set apart for the support of Public Schools.

2. All sums of money that may come to this State from sale of any portion of the public domain, or sales of public lands.

3. One-fourth of the annual revenue from general taxation, and an annual poll tax of one dollar on all male persons between the ages of twenty-one and sixty years.

4. The public lands heretofore given to counties, to be sold under such regulations as the Legislature may prescribe.

In addition to this "perpetual fund," the Legislature is authorized in Section seven, to provide for the raising of such amount, by taxation, in the several school districts in the State, as will provide the necessary school houses, and insure the education of all. The powers thus given to the Legislature are ample. The summary of means now disposable, which may be considered as included in this "perpetual fund, is:

1. Cash, in specie, $58,979 31; currency, $543 19; total, $59,522 50.

2. State 5 per cent. bonds, under act of November 12, 1866, $82,168 82 (assuming that this act of the Legislature of 1866 is to be respected). In addition to this sum, the act mentioned provided for placing other similar bonds to credit of school fund, to make up such part of the $634,000 "indemnity bonds," with the unpaid coupons or their proceeds, as might be recovered from the parties to

whom they had passed from the "Military Board" during the late war. These indemnity bonds and coupons were taken from the school fund, to which they belonged, by an act of the revolutionary government of January 11, 1862, and the act of 1866, was intended to replace them, as far as recovered, by 5 per cent. State bonds. The system of support of schools is now, by the constitution, so fully provided for, that this arrangement seems unnecessary. I, therefore, suggest that in lieu thereof, the amount collected of those bonds and coupons be turned over to the school fund.

3. Principal and interest, $2,742,198 27, due to the school fund from railroad companies. Included in this amount is the sum of $320,367 13, pretended to have been paid during 1864 and 1865, in State warrants, for which the 6 per cent. manuscript State bonds (see Comptroller's report, table II), were issued. I assume that this $320,367 13 is still a legal claim against the roads pretending to have paid the same. I suppose upwards of two millions of the total due by the railroads could be realized with certainty, and perhaps the whole may be eventually saved by the adoption of the proper measures.

In addition to the above, the University fund and lands may, I suppose, properly be considered as part of the Common School fund, though not directly included therein by the constitution. In regard to that part of the school fund in the possession of the railroads, it will be recollected that, by the act of the thirteenth of August, 1856, under which this fund was loaned to the roads, it was provided that the Governor should cause a sale to be made of the roads failing to pay any installment of the interest due on their bonds, or of the two per cent. sinking fund. No part of the sinking fund has been paid by any road since 1860, and of interest the only payments made since that date are by the H. & T. C. R. R, $38,280, in the years 1866 and 1867, and by the B. B. B. & C. R. R., $6,120, in 1867. This condition of affairs would warrant a sale at once for the benefit of the School Fund of all the roads indebted to it; but it is suggested, in view of the disturbed state of the country during this period, that these roads be relieved of the forfeiture legally resulting from their default, on payment of the interest now due, and of regular payment hereafter of interest and sinking fund coming due. If this suggestion is not adopted by your body, I will proceed to sell in accordance with the above cited act.

The question of internal improvements will come before you very prominently, and in a variety of ways. There is no doubt that the people of Texas desire the encouragement, in a judicious manner, of such public works as will afford them means of intercommunication, and of connection with the railroad system of the more Eastern

States. In deference to what I believe to be their wishes I recommend your careful development of some system that will secure this desirable end.

But. while the universal desire in this particular will, I have no doubt, be met in your body by a corresponding effort, I am led to believe that great caution will be necessary to avoid encumbering our State with a weighty debt, created in furtherance of the many schemes for private advantage, but calling for State aid, that will be forced upon you in the name of internal improvements. It has become the habit of speculators proposing to invest in internal improvements to come to the State or General Government for aid, and it has now got to be a settled, popular understanding that the State is to be called upon to aid all private schemes of this nature. This sentiment is, I believe, the growth in this country of less than a quarter of a century, and is a very unhealthy indication, and not at all stimulative of legitimate enterprise.

The absolute necessity for State aid (beyond a liberal charter and the right of way) is not apparent to me as a necessity, to insure the success of any honest and feasible enterprise. It is not believed that a road could be planned through any settled part of the State that would not return large interest on the capital honestly invested, and where parties present themselves asking for no special aid or exclusive privileges they should, where evidence is shown that they will be able in good faith to comply with their promises, receive from you the appropriate encouragement; but that even a simple charter should not be granted without this evidence is made apparent by the vast number of schemes of the sort that have never progressed further than to encumber our statute books, and obstruct the ground to other more responsible companies.

The experience of Texas in subsidizing public works has not been very satisfactory. We have invested in this way (including principal and interest due thereon,) near two and three-fourths millions of specie, or its equivalent, and upwards of five millions of acres of our best lands, (worth fully ten millions more in specie,) and we have somewhat less than five hundred miles of railroad, which the State has mainly built, (but does not own or control,) to show for it. But this is not all. Every Legislature, and every convention of the people since these works received subsidies, has been beset by applications, (sometimes not unaccompanied by the odor of corruption,) for relief from the force and effect of the contracts under which the grants were made, while the restrictions placed upon the beneficiaries of these grants to secure the safety and convenience of the people, and moderate rates of fare and freight, have been wholly disregarded. This experience, as well as the danger of incurring

oppressive obligations, from which our State is happily now free, should make us cautious in the future in regard to subsidies, or State aid of any description. If, however, notwithstanding our experience in this respect, it should be deemed advisable by your body to satisfy the general desire, by lending the aid of the State to the opening of Railroad communication, then I recommend that this aid be limited to a work which seems of the most pressing necessity, crossing the State from Red River to the Rio Grande, and which may be of use to the State in general by furnishing a line of communication with the populous States, and the Railroad system north and east of us. One trunk road of that sort is all that ought to be attempted. This is as much as our finances will safely bear, and is all that is immediately of consequence to the people, it being pretty certain that the necessary taps and connections with the coast will be finished by private enterprise as rapidly as the main trunk. If such a work should be determined upon, the location of it, and the time within which it should be constructed, as well as the manner in which State aid may be given it, with other details, are matters to be determined by your body. In the charter of this road and of all others receiving State aid, or enjoying exclusive privileges in any shape, provision should be made, in decisive terms, giving the State government such control and supervision as will secure the safety and good treatment of passengers and reasonable charges for passage and freight. The existing laws, to a large extent, give the Legislature this control over railroads built with subsidies from the State, and I suggest that justice to the people doing business on these roads requires an immediate exercise of that control, and the establishment by you of a fair and moderate tariff of charges.

From the question of internal improvements, in looking to measures for the development of our State, we naturally pass to the subject of immigration. It is to be hoped that when we are understood to have established here such respect for law and order as will relieve new comers of all apprehensions for their personal safety, our extensive territory, sufficient in itself to embrace the whole population of the United States, our very cheap and fertile lands and delightful climate will, of themselves, attract the attention of persons in countries more densely populated. It is necessary, however, as we wish *at once* to turn the tide of immigration in this direction that the Bureau, authorized by the Constitution for this purpose, should be organized on a liberal basis.

A great deal can be accomplished in an economical way by providing for the collection and publication of statistics which will show the price of lands, description of and capabilities of soil, arti-

cles produced and cost of living in different parts of the State, means and cost of transportation, and minerals there found, and the facilities for working and transportation of same. The collection and publication of these statistics, with agencies in this and other States and in Europe to distribute information and direct and take charge of immigrants, and the appropriation of a moderate sum to pay, in part or in full, the transportation of persons who are too poor to pay their own passage to a home with us, are all within the powers given you by the Constitution, and a liberal provision for the support of this Bureau will not, I believe, in any event be bad economy.

Every industrious, able-bodied adult added to our population may be considered an addition of fifteen hundred dollars to the wealth of the State. A system may, too, be devised which in time may be self-paying, even to the extent of returning to the State the amount advanced to pay transportation of immigrants. Your earnest attention to this subject is asked.

In this connection, and as necessary to a full understanding of the capacity of the State, a complete geological survey is advisable. There has already been some work done in this way, with a very favorable result. Enough was ascertained to make clear that the mineral wealth of Texas is not far behind the agricultural. But the practical benefit of what was done has been mostly lost by the confused state of the specimens in the geological cabinet of the State, and it is difficult now to ascertain where most of these came from. Provision should be made for a large collection of the minerals to be found by this survey, so as to enable the proper department to distribute to the national and other geological cabinets duplicates of them, which are frequently called for. I suggest that this survey and the State collection of specimens be made under the control and direction of the Commissioner of the General Land Office, where it can probably be systematized in a better and cheaper way, in connection with surveys of the public lands.

The condition of the asylums and public buildings and grounds at the capital, and of the Penitentiary, at Huntsville, will merit your consideration. The capacity of the asylums for the accommodation of the class of sufferers, to the care of which they are respectfully designed, is entirely inadequate to the present and probable immediate increase of the population of the State. There is no good reason why these unfortunates should not be considered the wards of the State, and taken care of out of the common fund. By proper care the deaf and dumb and blind can, in most cases, be educated during a short term of years to become useful members of society, and take care of themselves. This should be done by the

State, without regard to the willingness or ability of relations to pay a part or all of the cost; though, where pecuniarily able, the parents or guardians, or the patients themselves, might be required to contribute; and accommodations should be provided for all persons not too old for education, and laboring under these defects, who may be bona fide residents of the State.

In the Lunatic Asylum, even such patients as come within the limited requirements of the present law must be denied admittance, because the institution is full to overflowing. This institution is clearly one of as much necessity, on the ground of safety to the public, as the Penitentiary, and a due regard for this safety would require the confinement therein of many unfortunates whose liberty is now a constant menace to the lives of themselves and friends. However, as at the present conducted, not only are the resources of the institution too limited, but the law under which patients are admitted excludes the great mass of the insane. Whether it will be more advantageous to extend the building we now have, in conformity with the original plan, or to seek another locality, where a better supply of water may be had, is open to discussion. The views of the Board of Managers on this subject, and the general condition of the institution presented in their report of April 21, 1870, are worthy of your consideration, but it is submitted that liberal provision be made, either here or elsewhere, and without delay, for the increased wants of the State in this respect.

The Penitentiary has, until lately, been quite an expense to the State, but this is believed to have been largely the consequence of bad management. The total excess of expenditures over receipts in support of that institution (not including the salaries mentioned in Comptroller's report, page 77, table xxxviii,) since the inauguration of the Provisional State Government up to 16th November, 1869, when the present Superintendent took charge, was $107,645 30. Under the present Superintendent it is self-sustaining. The number of convicts confined within its walls at date of Superintendent's report (10th February last) was four hundred and eighty-nine. Outside of the Penitentiary one hundred and eighty-one convicts were, on the 16th of the present month, laboring on the railroad from Brenham to Austin, under contract with the H. & T. C. R. R. Company, made under orders of General Reynolds.

The convicts at work on the railroad are not an expense to the State, but the system is considered demoralizing to the convicts, and it clearly does not tend to that improvement of their mental and moral capacity which (after the protection of the public) is the main object of the Penitentiary system. An undue proportion (28 out of a total of 259) of the convicts employed on the railroad have

managed to escape, and this because of the difficulty, under the circumstances, of maintaining that complete control and discipline necessary to their restraint.

It is recommended that these convicts be returned to the Penitentiary, and that provision be made for enlarging the capacity of that institution, and for supplying such improvements and new machinery and fixtures as will develop its usefulness to the highest capacity.

This extension and improvement of the Penitentiary will, of course, cause considerable outlay, and perhaps it may now be well to divide the convicts, and have more Penitentiaries than one. Water power (of which there is none at Huntsville, though of great importance,) and equally healthy localities can be had elsewhere. After such additions are made and fairly in use, there is reason to hope that all convicts may be made to sustain themselves within its walls. Touching these points and the general condition of the Penitentiary your attention is called to the accompanying report of Colonel N. A. M. Dudley, the present Superintendent, and the exhibits attached.

The public buildings at the capital are in need of very extensive repairs and enlargement. The Bureaus of Education and Immigration will have to be provided with suitable offices, while the other departments of the government are straightened in their accommodations (built when the public service was on a much smaller scale), and cannot make place for them.

The public grounds around the Capitol should also be improved and ornamented in a style consistent with that originally intended. They are now only public wastes.

In consideration of the possibility that the Capitol may be removed from Austin, at the election to be held in accordance with the 37th section, article III. of the Constitution, it may not be thought advisable to incur any expense of this sort until the seat of government is permanently fixed. But even in this event, or in case of division of the State, all the buildings at Austin can be made use of as a university, or high schools, or as asylums, or for other public purposes not essentially requiring location at the new capital. The report of the Chairman of Commissioners of Public Buildings and Grounds (Secretary of State), will present this subject in a more detailed form, and I recommend that his suggestions be adopted.

I would not be faithful to the trust confided in me, nor to my own sentiments, were I to omit to bring before you the matter of the sufferings of our frontier settlers on account of Indian depredations. Philanthropic people, throughout those parts of the nation where Indian reminiscences exist only in romantic story, are apt to answer all complaints of Indian atrocities by the recrimination that

these are only savage ways of redressing wrongs previously inflicted by the whites. It is not so here. The Indian tribes, which so grievously wound our frontier, travel many hundred leagues across the desert to reach us. They could originally have had no oppression or grievance to avenge, because neither the Texan settlers nor their Mexican or Spanish predecessors ever approached the native haunts of these tribes, unless in pursuit of some flying, predatory band. From time immemorial they have afflicted this country with their murderous visits. No treaty or concession can appease them, or stay their hands, and peace seems absolutely hopeless as long as one of them lives or roams at large. When annexation took place, it was anticipated that the powerful arm of the National Government would soon bring permanent relief, and that this was not the result before the late civil war is, no doubt, largely to be attributed to that same philanthropic spirit which always restrained the hand short of the only result that could be permanently effectual—extermination, or total conquest and submission. But the continuance of this war after twenty-five years of annexation, and the circumstance that the frontier settlements—for the first time in American history—are surrendered and abandoned, are facts that seem now likely to induce some decisive action on the part of the authorities having this matter especially in charge. The present efficient military commander of this department made every effort possible, with the limited resources at his command, to protect the frontier. He has urged on his superiors the establishment of a military telegraph along the frontier, and asked authority to embody, arm and equip the frontiersmen in minute companies, and to pay them when employed in scouting, or on other duty against the Indians. Short of the only remedy that can be effectual—total conquest and submission of these tribes, and their colonization on reserves far from the frontier—these arrangements seem the best calculated for protection; and it is suggested that as there may be delay in adopting them on the part of the general government, it would be well to provide for putting the plan in practice by the State government. There is no doubt that the expense of it will be a considerable addition to the burdens we must prepare to carry, but I am sure that you will agree with me that the settlers must be protected at any cost.

Incidental to this question of the frontier is presented that of a proposition to sell to the United States a part of the north-western unsettled domain, to the end that the same be appropriated as a reserve whereon to colonize the Indians of Texas and the neighboring territories. The attention of the Government of the United States to such arrangement might be asked if your body deems it expedient

to adopt this suggestion, and it is believed that a satisfactory and permanent settlement of our Indian troubles will thereby be soon effected.

You will, without doubt, esteem it within your powers and duty to encourage in every reasonable way, and with a due regard to economy, the growth of every species of manufacture and industry. Much can generally be done in this way without expenditures of the public money, or the grant of exclusive or exceptional privileges, by the passage of general laws affording adequate protection to property. Manufacturers, I believe, can be stimulated by relief from taxation for a short term of years, and the State's income not unfavorably affected thereby; and our broad and treeless prairies invite the experiment here of State encouragement to the planting of trees, which seems to have succeeded well in States similarly conditioned.

Among the most important interests in our State and one to which this necessity for protection more especially applies is that of stock raising. It is estimated that Texas can supply at this time a million of beeves for consumption beyond the State, besides other stock, and under proper encouragement the supply can be largely increased. There has been some unfriendly discrimination against Texas cattle on the part of the authorities of neighboring States, on the charge that our cattle, healthy at home, introduce contagious diseases when driven abroad. However, it is believed that the real motive for this pretence is beginning to be understood; and that the intelligence of those States will soon remove these obstacles to the freedom of commerce. But while the prospects of the stock-raiser are thus improving abroad, the laws for the protection of his property at home are very defective. During the disturbances of late years practices have become common in regard to herding, branding, killing and selling cattle which well nigh destroy all safety for this kind of property. The laws now on the statute books do not provide an adequate remedy for this grievance, and a thorough revision and adaptation of these laws to existing wants is respectfully urged.

Other subjects must receive your immediate attention as essential to the complete re-organization of the State government, and among those which are of sufficient importance to require special notice, I will refer to the organization and appointment of boards of registry of voters, and of judges of elections; the appointment of officers to fill vacancies where the law or constitution does not now provide therefor; to provide for removals and appointments to municipal offices until elections can be held in the respective cities and towns; to provide for and fix time and manner of elections for such officers as are made elective; to provide for the "trial, punish-

ment and removal from office" of the class of officers referred to in section 6, article VIII, and to divide the State into convenient judicial districts, so that the appointment of district judges may be made. Some of these matters are partially provided for in existing laws, which are defective, and should be revised. I here also refer you to the report of the Attorney General, touching especially some suggestions made in regard to suits and prosecutions on behalf of the State, and modifications or amendments to the criminal code.

I have reserved, to the closing of my message, the discussion of the question of finance, as we can better understand what has to be done in this respect, after a review of the various demands that must be provided for. It is not possible, under the circumstances, to make even a fair aproximation to an estimate of the expenses of our State government in the future, but it is safe to look to a very large increase of expenditure, even with the greatest care and economy. The population of the State is thought to be near double that of 1860, and the expense of government seems to increase in geometrical proportion to the addition of population of a State. Without more than the school system, the increased judiciary, and the Immigration Bureau provided in the new Constitution, and the necessary police and militia organization, an expense of near $1,500,000 must be expected, and provision must be made to procure the necessary funds for these purposes by taxation. The amount necessary for each purpose will altogether depend upon the plan adopted respectively. It is not likely, however, that, on the whole, the ordinary expenditures will be less than the sum indicated.

If it is concluded to give the State aid to any work of internal improvement, then a corresponding addition to expenditure may be looked for, it being made by the Constitution the duty of your body in providing for any such work to also enact a law creating adequate means for payment of interest, and two per cent. of principal, annually.

The amount of cash on hand on the third of September, 1867, (when the late provisional government took charge) was $20,232 26; receipts from that date to sixteenth inst., inclusive, were $1,384,191 80; total expenditures from the third of September, 1867, to sixteenth inst., $1,021,851 31. The amount of cash in the treasury, including balance of Convention fund, but exclusive of school and other special funds, on the sixteenth day of the current month, was $2952 97 in specie, and $413,746 92 in currency. Of this amount there is covered by appropriations made under military order since March 1, 1870, the sum of $37,127 14 currency, which, with the sum of $8193 03 not accounted for by Mr.

J. T. Allan, late State Treasurer, should be deducted from above total, thus leaving $2,952 97 specie, and $368,426 75 in the Treasury subject to appropriation for support of the State Government.

The debt of the State is small. Under the act of November 12, 1866, above alluded to, 5 per cent. State bonds, to amount of $82,-168 82 were issued to the School Fund, and $134,472 26 of same bonds to the University Fund. If this act is to be respected the State is so much indebted to the School Fund. The only other indebtedness is that of the ten per cent. warrants issued before the late war, and not excluded under the 34th Sec., Act XII, General Provisions. It will require some investigation to ascertain what amount of these warrants are valid claims against the State, but this cannot be considerable.

Texas may therefore, substantially, be said to be out of debt.

It will be noticed that in the Comptroller's report of assets the accounts bear from year to year the items "Special School Fund," $79,409 50, "University Land Sale," $10,300 41," and "6 per cent. manuscript State bonds" for School Fund, $320,367 13. These items represent State warrants or State bonds issued during the war, and representing obligations which are now void, should no longer be borne on the Comptroller's reports. But the Comptroller considers it his duty to continue them until the Legislature directs otherwise.

The whole system of collection of revenue must be revised and made more effective. The Constitution has made considerable change in respect to the manner of collecting the land tax, and it is to be hoped that a system may be devised that will secure a larger share of collections from the taxas on this class of property than has heretofore been the case. Under Section 22, Article XII, you are required at once to provide for the condemnation and sale of all lands for taxes due. On this particular question, as well as the general regulation of the manner of collecting the taxes, I recommend favorably to your examination the suggestions contained in the two communications to me from Hon. A. Bledsoe, the Comptroller, of 20th inst., copies of which are herewith placed before you. Your attention is also called to the biennial report of the late Comptroller of August 31, 1869, with appendices, and the annual report of the late Treasurer, Hon. John T. Allan, now laid before you. Therein the condition of the finances, school and other special funds, and of the railroads is more fully presented.

This report from the Comptroller, and similar reports from all other officers, should hereafter be made annually, in conformity with the Constitutional provision for annual sessions of the Legislature.

Finally, gentlemen, I trust that in these and other matters that will come before you, your deliberations will result in the establishment of security and harmony within our State, and the general prosperity and happiness of our fellow-citizens.

EDMUND J. DAVIS,
Governor.

Mr. Hughes moved that the papers and reports accompanying the Governor's message be laid on the table until they could be referred to the appropriate standing committees.

Carried.

Mr. Slaughter moved that seven thousand copies of the Governor's message be printed in English, two thousand five hundred copies in German, and five hundred copies in Spanish.

Mr. Butler moved to amend by adding "and two thousand copies of such of the accompanying papers as were in manuscript."

Carried.

The question recurring upon the adoption of the motion of Mr. Slaughter, as amended, it was adopted.

Mr. Burnett offered a petition from Mr. R. H. C. Shelton contesting the seat of Mr. Gaston, and asked its reference to the Committee on Privileges and Elections.

It was so ordered.

Mr. Locke, Chairman of Committee on Privileges and Elections, offered the following report:

COMMITTEE ROOM,
April 29, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred the communication of Mr. A. D. Elam, claiming the seat of Hon. J. R. Burnett, have examined into the merits of the same, and have the honor to make the following report:

1. The facts are that Mr. A. D. Elam received in the Third District one thousand one hundred and forty-seven votes and Mr. Burnett one thousand one hundred votes; that Mr. Elam's right to register as a voter was publicly challenged before the late election in Houston county, and his eligibility to a seat in the House of Representatives contested at the late sitting at this House; that he was declared ineligible by the military board instituted by General Reynolds, and also by general orders issued by General Reynolds, and was not therefore seated as a member of this body, and

the seat claimed by him was given by a vote of the House to Mr. Burnett, then contestant, who received the next highest number of votes; that subsequently, and after the adjournment of the Legislature, to wit: on the seventh of March last, Mr. Elam's disabilities were removed by act of Congress. Under this statement of facts, the Committee are clearly of opinion that the subsequent removal of Mr. Elam's disabilities does not affect Mr. Burnett, who has been regularly qualified as representative from the Third Senatorial District, and that Mr. Elam being ineligible at the time of his election, and at the meeting of this body, and the seat claimed by him filled by vote of the House by his contestant, that he is not entitled to a seat in this House, but that Mr. J. R. Burnett is justly entitled to the seat.

2. The committee have also examined into the charge of intimidation and fraud made by Mr. Burnett at the last session of this House, and which was referred to this committee, and we find from the evidence, consisting of fourteen statements of registered voters of the district, duly sworn to, and the sworn verbal statement of witnesses, that fraud and intimidation were practiced largely in Cherokee county on colored citizens, who were prevented from voting the Republican ticket, as they desired to do. We believe from the evidence that, had there been an honest and free election in the district, the Republican candidates would have received a much larger number of votes; and that Mr. Burnett would have been elected by a large majority.

We think that the fraud and intimidation practiced in Cherokee county on the colored voters, and, in some instances, on white citizens, who were Republicans, should not go unrebuked and unredressed, and the committee recommend that the conduct of the election in that county be further inquired into, with instructions to report whether the election in that county ought not to be set aside

The committee submit the following resolution and recommend its adoption:

Resolved, That the Hon. J. R. Burnett is legally and justly entitled to his seat in this House as a Representative from the Third Senatorial District.

W. J. LOCKE,
Chairman, *pro tempore*.

Mr. McLain moved that the report of Mr. Locke be referred to a committee of the whole, on Monday next, at 11 o'clock, A. M.

On motion of Mr. Locke the motion was laid on the table.

Mr. Butler moved the adoption of the report and resolution, on which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Speaker, Abney, Abbott, C. L., Allen, Butler, Burley, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Gardiner, Grothaus, Harn, Hill, Hamilton, Haswell, Kendall, Locke, Manning, Morrison, Moore, H., Morris, McKee, J. F., Mullins, Medlock, Moore, R. L., Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schuetze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Wilkinson, Williams, R., Williams, B. F., Young, York, Youngkin, Zapp, Zoeller—51.

Nays—Austin, Adams, Abbott, J., Becton, Booty, Chambers, Cole, Ellis, Gaston, Hughes, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee, J. R., Miller, Posey, Ross, Simmons, Stirman, Shelburne, Weaver—24.

So the report and resolution were adopted.

Mr. Burnett moved that the Committee on Privileges and Elections be hereby instructed to further inquire into the conduct of the late election in Cherokee county, and report, by bill or otherwise, whether the election in said county ought not to be set aside or declared null and void.

Carried.

Mr. Grothaus offered the following resolution:

WHEREAS, His Excellency E. J. Davis, Governor of the State of Texas, delivered his inaugural address before the Senate and House of Representatives, on the twenty-eighth day of April, A. D. 1870; therefore, be it

Resolved, That seventeen thousand copies of said inaugural address be printed in English, and three thousand copies in the German language, for general information and distribution.

Mr. Butler moved a suspension of the rules for the consideration of the resolution.

Rules suspended.

The question recurring upon the adoption of the resolution, it was adopted.

Mr. Morrison moved that more time be allowed the minority of the Committee on Privileges and Elections to make a report.

Refused.

Mr. Hughes offered the following resolution:

Resolved, That a full transcript of all the evidence upon which the Committee on Privileges and Elections base their report accompanying the reports to this House, and that when such evidence is

documentary in its character, the original documents themselves accompany the report; that when the testimony is oral the same shall be reduced to writing by the clerk of the committee, and signed by the witnesses.

Laid over under the rules.

Mr. Butler offered the following concurrent resolution:

Resolved, That a joint committee of two Senators and three Representatives be appointed from the Senate and House of Representatives to fix and report the distances by which the mileage of members of both Houses shall be computed, and that such distances shall be established by the nearest public traveled route.

Mr. Butler moved a suspension of the rules for the consideration of the resolution.

Rules suspended.

Concurrent resolution read second time.

Mr. Slaughter moved to amend by striking out all after the word "computed."

On motion of Mr. Hughes the amendment was adopted.

The question recurring upon the adoption of the resolution as amended, it was adopted.

Mr. Robinson offered the following resolution:

Resolved, That the Chief Clerk be, and hereby is, authorized and required to provide for the use of each member five copies weekly of each of the following newspapers, viz: "Jefferson Radical," National Index," "Central Journal," "Houston Union" and "San Antonio Express;" Provided that any member, so preferring, may commute one or more for the same quantity of Republican German papers published in the State, and provided, further, that any member, so preferring, may commute one or more of the foregoing for any of the following sheets, not to exceed five copies each, viz.: "Jefferson Jimplecute," "Clarkeville Standard," "Houston Telegraph," "Galveston Civilian" and "Plowboy."

The resolution was laid over under the rules.

On motion of Mr. Zoeller the House proceeded to the transaction of the business on the Speaker's table

The Speaker announced that the first business in order was the resolution of Mr. Cooper in regard to the appointment of an additional Assistant Sergeant-at-Arms.

On motion of Mr. Slaughter the resolution was adopted.

The Speaker appointed Mr. C. H. Clauss Assistant Sergeant-at-Arms, as authorized by the above mentioned resolution.

The Speaker laid before the House the resignation of Mr. Geo. W. Schoby as phonographic reporter, which was read and accepted.

Mr. Butler moved that the Speaker be authorized to employ a phonographic reporter.

Carried.

Mr. Sinclair asked leave to introduce a resolution.

On motion of Mr. Tegener the rules were suspended, and Mr. Sinclair offered a joint resolution making an appropriation of $10,000 to defray the contingent expenses of the 12th Legislature.

Laid over under the rules.

Mr. Slaughter moved that the reporter be allowed no pay for services not rendered which should have been rendered.

Carried.

On motion of Mr. Morris the House adjourned until 10 o'clock on Monday morning next.

HOUSE OF REPRESENTATIVES,
AUSTIN, May 2, 1870.

House met pursuant to adjournment.

Speaker Evans in the Chair.

Roll called.

Quorum present.

Journal of Friday, September 29, read and adopted.

Mr. Abney moved that Mr. Bonner, who was declared entitled to the seat of Mr. E. L. Smith, be now allowed to qualify.

Mr. Butler moved to amend, that those members present who were present at the last session and have not already qualified, now be allowed to qualify.

Carried.

The question recurred upon the motion of Mr. Abney as amended.

It was adopted.

The following members then came forward, qualified, and took their seats:

Second District—W. H. Bonner.
Tenth District—S. S. Weaver.
Fifteenth District—F. G. Franks.
Twentieth District—J. E. Hawkins.

Mr. Morris moved that Mr. Mitchell be allowed to qualify.

Mr. Chambers moved to amend by adding the name of Mr. Smyth.

Carried.

The question recurred upon the adoption of the motion of Mr. Morris as amended.

It was adopted.

The Speaker announced that he had not been notified that Messrs. Mitchell and Smyth had filed their oaths in the office of the Secretary of State, and so did not feel authorized to administer the oaths.

Mr. McLean moved that Messrs. Mitchell and Smythe be allowed to qualify.

Mr. Hughes moved the postponement of the consideration of the question until to-morrow.

Carried.

The Speaker announced the following as the members of the joint committee on mileage:

Messrs. Butler, Grothaus and McLean.

Mr. McLean asked that Mr. Moore be excused on account of sickness.

Excused.

The Speaker announced the following standing committees of the House :

JUDICIARY COMMITTEE.

Burnett.....Chairman
Young.....Member
Franks.....Member
Slaughter.....Member
Abney.....Member
Grothaus.....Member
Hawkins.....Member
Posey.....Member
Hughes.....Member

INTERNAL IMPROVEMENTS.

Young.....Chairman
Morris.....Member
Butler.....Member
Locke.....Member
Abney.....Member
H. R. Allen.....Member
Zapp.....Member
B. F. Williams.....Member
McLean.....Member
Becton.....Member
J. R. McKee.....Member

EDUCATION.

Sinclair.....Chairman.
Burnett.....Member
Schuetze.....Member
J. F. McKee.....Member
Pierson.....Member
Gardiner.....Member
Youngkin.....Member
Burley.....Member
Simmons.....Member

Chambers.....Member
Becton.....Member

IMMIGRATION.

Grothaus.....Chairman
Wilkinson.....Member
Johnson.....Member
Tegener.....Member
Tinsley.....Member
Prissick.....Member
Plumley.....Member
Crudup.....Member
Adams.....Member
Ross.....Member
S. S. Weaver.....Member

FEDERAL RELATIONS.

Wilkinson.....Chairman
Pierson.....Member
Schlickum.....Member
Hill.....Member
Mullins.....Member
Ross.....Member
Hawkins.....Member

STATE AFFAIRS.

Schuetze.....Chairman
Davis.....Member
Haswell.....Member
DuPree.....Member
McLean.....Member
Smyth.....Member
Robb.....Member

PUBLIC LANDS AND LAND OFFICE.

Camp.....Chairman
Zapp.....Member
Cooper.....Member
Hill.....Member
Henry Moore.....Member

Cole.....Member
Lacy.....Member

COMMERCE AND MANUFACTURES.

Plumley.....Chairman
C. L. Abbott.....Member
Young.....Member
Johnson.....Member
Schuetze.....Member
R. Williams.....Member
S. S. Weaver.....Member
Chambers.....Member
Austin.....Member

FINANCE.

Slaughter.....Chairman
Plumley.....Member
Cooper.....Member
Camp.....Member
Schlickum.....Member
R. A. Allen.....Member
Adams.....Member
Shelburne.....Member
J. O. Abbott.....Member

AGRICULTURE AND STOCK RAISING.

Locke.....Chairman
Camp.....Member
York.....Member
Sheriff.....Member
Manning.....Member
Cotton.....Member
Stirman.....Member
Smyth.....Member
Leonard.....Member

INDIAN AFFAIRS.

Tegener.....Chairman
Locke.....Member
Zoeller.....Member

Cox.....Member
Jenkins.....Member
Weaver, J. C.....Member
Hughes.....Member

PENITENTIARY.

Butler.....Chairman
Morrison.....Member
Sheriff.....Member
Moore, R. D.....Member
Cox.....Member
Hamilton.....Member
Simmons.....Member
Cole.....Member
Lane.....Member

MILITIA.

Morrison.....Chairman
Sinclair.....Member
Butler.....Member
Robinson.....Member
Zoeller.....Member
Kendall.....Member
Booty.....Member
Leonard.....Member
Stirman.....Member

COUNTIES AND COUNTY BOUNDARIES.

Cooper.....Chairman
York.....Member
Harn.....Member
Bonner.....Member
Dupree.....Member
Kyle.....Member
Miller.....Member

TOWN AND CITY CORPORATIONS.

Morris.....Chairman
Burnett.....Member
Franks.....Member

Sinclair.....Member
Allen, H. R.....Member
Burley.....Member
Abbott, Jo.....Member
Miller.....Member
Shelburne.....Member

ROADS, BRIDGES AND FERRIES.

Youngkin.....Chairman
Moore, R. L.....Member
Manning.....Member
Schlotman.....Member
Medlock.....Member
Ellis.....Member
Weaver, J. C.....Member

CLAIMS AND ACCOUNTS.

McKee, J. F.....Chairman
Van Noy.....Member
Stockbridge.....Member
Williams, B. F.....Member
Jenkins.....Member
McKee, J. R.....Member
Booty.....Member

PUBLIC DEBT.

Tinsley.....Chairman
Franks.....Member
Harn.....Member
Schlotman.....Member
Dorris.....Member
Gaston.....Member
Kyle.....Member

TO EXAMINE COMPTROLLER'S AND TREASURER'S OFFICES.

Abney.....Chairman
Davis.....Member
Hill.....Member

Cole.....Member
Adams.....Member

ELECTIONS AND PRIVILEGES.

Franks.....Chairman
Locke.....Member
Morrison.....Member
Gardiner.....Member
Mullins.....Member
Gaston.....Member
Austin.....Member

PRINTING AND CONTINGENT EXPENSES.

Abbott, C. L.,.....Chairman
Morris.....Member
Zapp.....Member
Gardiner.....Member
Allen, R.,.....Member
Lane.....Member
McKee, J. R.,.....Member

PUBLIC BUILDINGS AND GROUNDS.

Johnson.....Chairman
Tinsley.....Member
Tegener.....Member
Prissick.....Member
Hamilton.....Member
Posey.....Member
Robb.....Member

ENGROSSED BILLS.

Stockbridge.....Chairman
Grothaus.....Member
McKee, J. F.,.....Member
Hughes.....Member
Lacy.....Member

ENROLLED BILLS.

Robinson.....Chairman

Cox.....Member
Haswell.....Member
Ellis.....Member
McLean.....Member

Mr. Slaughter moved that Mr. McLean be placed on the Committee on Privileges and Elections, in the place of Mr. Gaston, whose seat is contested.

Carried.

Mr. Robinson offered the petition of Mr. J. D. George of Grayson county, who contests the seat of A. C. Warren, and asked that it be read and referred to the Committee on Privileges and Elections.

It was so ordered.

Mr. C. L. Abbott, Chairman of the Committee on Printing and Contingent Expenses, introduced a bill to authorize the Chief Clerk to advertise for bids for furnishing the House with stationery.

Read first time.

Mr. Sinclair introduced a bill making an appropriation of seventy-five thousand dollars for the mileage and per diem of members.

Read first time.

Mr. Ellis moved that the rules be suspended for the immediate consideration of the bill introduced by Mr. Sinclair.

Lost.

Mr. Locke introduced a bill to raise twenty companies of rangers to protect the lives and property of citizens living upon the frontier of the State of Texas.

Read first time.

Mr. Butler moved that one hundred copies of the above mentioned bill be printed and laid on the members' desks.

Carried.

Mr. Stockbridge introduced a bill extending the time for redeeming property sold for taxes since January 1, 1861, which was read the first time.

Mr. Morris offered the following resolution:

Resolved, That the clerk be instructed to furnish ten copies of Austin Daily State Journal and five copies San Antonio Weekly Free Press to each and every member of this House.

Laid over under the rules.

Mr. Sinclair introduced a bill to permit persons of color and parties interested to testify.

Read first time.

Mr. Camp introduced the following resolution:

Resolved, That, whereas, the custom of carrying deadly weapons upon the person is demoralizing in its effects, and is the fruitful source of many of the crimes which have stained our fair name abroad, that the Judiciary Committee be requested to frame, at their earliest convenience, a bill to suppress this practice in all portions of the State, except the frontier exposed to Indian depredations, by the enactment of such pains and penalties as can be enforced by the proper executive officers of the State.

Mr. Abney moved that the rules be suspended for the consideration of the foregoing resolution.

Lost.

Mr. Slaughter offered the following resolution:

Resolved, That the Committee on Judiciary be instructed to take into consideration immediately the matter of re-districting the Judicial Districts of this State, and report as early as practicable the result of their deliberations, that our new system of judiciary may, at the earliest possible period, go into operation.

Mr. Prissick introduced the following resolution:

Resolved, That the Committee on Indian Affairs be requested to examine into the feasibility of calling out one volunteer (man and horse) from every precinct in every county in the State (to be chosen by the magistrates of each county from the volunteers offering their services), to assist in the protection of the frontier from the raids of the Indians.

Laid over under the rules.

Mr. Cooper introduced the following resolution:

Resolved, That a special committee, to consist of one member from each Judicial District, be appointed, whose duty it shall be to lay off the State into appropriate judicial districts, under the new Constitution, and report at the earliest day practicable, by bill or otherwise.

Laid over under the rules.

Mr. Slaughter moved that the Clerk of the House be instructed to furnish the members of this body with one copy each of the Constitution of the State.

Carried.

Mr. Sheriff introduced the following resolution:

Resolved, That this House proceed as early as possible to put the machinery of government under the "new Constitution" into operation by a bill enabling the newly elected officers to perform their duties of office which they cannot do without legislation. That the Judiciary Committee be instructed to prepare a bill for that purpose.

Laid over under the rules.

Mr. Cooper introduced the following resolution:

Resolved, That the House now proceed to the election of a chaplain.

Laid over under the rules:

Mr. Zoeller moved that the Clerk of the House be instructed to furnish each member with one copy of the rules of the House.

Which, by leave of the House, was withdrawn.

Mr. Morris moved that the Speaker of the House of Representatives be requested to invite the Rev. B. A. Rogers, of this city, to act as chaplain during this session of the Legislature.

Mr. Slaughter moved to reject the motion.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—44.

Nays—38.

So the motion was rejected.

Mr. C. L. Abbott moved that all the clergy be invited to officiate, and that a committee be appointed to extend the invitation.

On motion of Mr. Abney the motion was rejected.

Mr. Morrison moved that the House now proceed to the transaction of business on the Speaker's table.

Carried.

The Speaker announced that the reports from the heads of departments, which accompanied the Governor's message, were on the table awaiting disposition.

On motion of Mr. Morrison they were referred to the appropriate committees.

The Speaker announced the first business in order was the resolution of Mr. Hughes, introduced on Friday last.

The resolution was read the second time.

Mr. Morrison moved to lay the resolution on the table, upon which the yeas and nays were demanded, and resulted as follows:

Yeas, 24.

Nays, 39.

So the House refused to lay the resolution on the table.

The question recurred on the adoption of the resolution, upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Speaker, J. O. Austin, Abney, C. L. Abbott, H. R. Allen, S. J. Adams, Jo. Abbott, E. P. Becton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Crudup, Cole, Camp, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Hughes, Harn, Hill. Hazwell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, J. R. McKee, J. F. McKee, Miller, Posey, Pierson, Plumley, Prissick,

Robb, Ross, Schlotman, Shelburne, Simmons, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, Weaver, J. G., Weaver, S. S, York, Young, Zapp—56.

Nays—Messrs. R. Allen, Butler, Cox, Dupree, Grothaus, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore, Morris, Mullins, Medlock, Robinson, Schlickum, Schuetze, Sheriff, Sinclair, Van Noy, Wilkinson, R. Williams, B. F. Williams, Youngkin, Zoeller—26.

So the resolution was adopted.

The Speaker announced that the next business in order was the second reading of the resolution of Mr. Robinson, introduced on Friday last.

Resolution read second time.

By leave of the House, Mr. Robinson withdrew his resolution.

The Speaker announced the second reading of an act to defray the contingent expenses of the current session of the Legislature.

Act read the second time.

Mr. Sinclair offered an amendment to the original by inserting the words "or Senate" after the words "approved by the Committee on Printing and Contingent Expenses of the House."

On motion of Mr. Camp, the amendment was accepted.

Mr. Tegener moved to amend by striking out the words "session of the," in the title.

Carried.

The question recurring upon the engrossment of the bill, as amended, it was engrossed.

The Speaker announced that in compliance with a resolution authorizing him to contract with a phonographic reporter, he had appointed H. C. Manley, at a compensation of fifteen dollars per day, he to report all debates and have them ready, in manuscript, the following day.

On motion of Mr. Morris the rules were suspended to allow Mr. Plumley to introduce the following resolution:

Resolved, That the Speaker of the House be authorized to appoint three general clerks for the general service of the House.

Mr. Plumley moved a suspension of the rules for the immediate consideration of the resolution.

Rules not suspended.

Mr. McLean moved a reconsideration of the vote refusing to suspend the rules.

Ruled out of order.

Mr. Tegener moved a reconsideration of the vote of the House refusing to suspend the rules, and the House decided to reconsider.

The question then recurring upon the suspension of the rules, the rules were suspended.

Mr. Cooper offered the following substitute:

Resolved, That the chairman of each committee be authorized to employ a clerk when such necessity exists.

Mr. McLean moved that the substitute be rejected.

Lost.

On motion of Mr. Morris the House adjourned until ten o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES,
AUSTIN, May 3, 1870.

House met pursuant to adjournment.

Speaker Evans in the chair.

Roll called.

Quorum present.

Journal of yesterday read, corrected and adopted.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM,
Austin, May 3, 1870.

HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined and compared "An act making an appropriation of $10,000 to defray the contingent expenses of the Twelfth Legislature," and find the same to be correctly engrossed.

Respectfully, C. J. STOCKBRIDGE,
Chairman of Committee.

On motion, the report was accepted.

Mr. Camp, Chairman of Committee on Public Lands and Land Office, moved that five hundred copies of the report of the Commissioner of the General Land Office be printed.

Which, by leave of the House, was withdrawn.

Mr. Franks, Chairman of Committee on Privileges and Elections, offered the following report and resolution:

COMMITTEE ROOM,
May 3, 1870.

HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee to whom was referred a petition from J. R. Lyon contesting the seat of Hon. John P. Hill, now holding the seat in this House as Representative from the Ninth Senatorial District, ask leave to report the following:

Your committee find that the question involved is one touching the right of the sitting member to his seat under the Reconstruction Laws; that those laws were passed by a power paramount to the State of Texas, to-wit: The supreme power, as acknowledged by section two of the Bill of Rights; that the execution of those laws was entrusted to Brevet Major General J. J. Reynolds; that in the discharge of the duty of executing those laws, it was his proper province to decide as to the eligibility and ineligibility of members of

this body, under those laws; that said Major General J. J. Reynolds, U. S. A., did proceed to pass upon the eligibility of the sitting member, Hon. John P. Hill, and with all the facts and evidences before him, which your committee had in General Order No. 28, Headquarters Fifth Military District, dated February 14, 1870, he declared said Hill to be eligible; that that decision was final and binding upon this body, and for us to revise or reverse it would be an act of bad faith to the United States Government, subjecting the State of Texas to the same process of reconstruction as has lately been entered upon toward the State of Georgia.

Your committee, therefore, ask leave to report the following resolution, and recommend its passage:

Resolved, That the Hon. John P. Hill is entitled to his seat in this House, and that John R. Lyon is not entitled to a seat in this House.

W. J. LOCKE,
Chairman, *pro tempore*.

Mr. Robinson moved that the accompanying papers in the foregoing case be read.

Mr. Slaughter moved to lay the motion upon the table.

By leave of the House, the motion to lay on the table was withdrawn.

The question recurring upon the motion of Mr. Robinson,

It was adopted, and the papers were read.

Mr. Butler moved that the report and resolution of the committee be printed, and laid on the desks of the members.

Mr. Sinclair moved to amend by permitting each party contestant to file any further evidence they may desire with the Committee on Elections, and if in proper form, the same shall be printed as part of the evidence in the case.

Lost.

Mr. Slaughter moved the previous question.

Previous question sustained.

The question then recurred upon the motion of Mr. Butler to print the report of the committee.

It was carried.

Mr. Morrison introduced the following resolution as a question of privilege:

Resolved, That the contested case of Lyons vs. Hill be referred to a Committee of the Whole House, on Thursday next, at eleven o'clock, A. M., and that each contestant be entitled to appear by counsel, who shall be permitted to speak within the bar of the House.

Mr. Franks moved to reject the resolution.

Lost.

Mr. Adams moved to amend by striking out the words "by counsel.

Mr. Burnett moved the previous question.

Previous question sustained.

The question recurring upon the adoption of the amendment of Mr. Adams to the resolution of Mr. Morrison,

It was lost.

The question recurring upon the adoption of the resolution,

It was adopted.

Mr. Locke introduced a bill to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the district courts, approved May 13, 1846, and asked its reference to the Judiciary Committee.

Read first time and referred to the Committee on Judiciary.

Mr. Burnett introduced a bill to authorize district judges and district clerks to approve bonds of county officers in certain cases, and asked its reference to the Judiciary Committee.

Read first time, and referred to the Judiciary Committee.

Mr. Grothaus introduced a joint resolution providing for the continuance of certain officers to discharge their duties as heretofore, until otherwise provided for by law.

On motion of Mr. Grothaus, the resolution was referred to the Judiciary Committee.

Mr. Slaughter introduced a bill to incorporate the "Red River and Rio Grande Railway Company," and asked that it be read by caption and referred to Committee on Internal Improvements.

Bill read first time and referred to Committee on Internal Improvements.

Mr. Sheriff introduced a bill to levy a tax on fire arms.

Mr. Locke moved to reject the bill.

Lost.

Mr. Butler moved that the bill be referred to the Judiciary Committee.

Carried.

Mr. Grothaus introduced a bill to prohibit the carrying of six-shooters and other revolving pistols, etc.

On motion of Mr. Butler, the reading was dispensed with, and the bill referred to the Judiciary Committee.

Mr. Sheriff introduced a bill to repeal an act for assessing and collecting a tax on dogs in certain counties.

On motion of Mr. Butler, it was referred to the Judiciary Committee.

Mr. Adams introduced the following joint resolution:

Be it resolved, &c., That our Senators and representatives in

Congress be and are hereby instructed to urge the immediate passage of such measures by the Congress of the United States as will protect our frontier from Indian depredations, to the end that the Legislature of this State may, by proper legislation, assist in the same.

Mr. Tegener moved a suspension of the rules to allow of the second reading of the joint resolution offered by Mr. Adams.

Rules suspended.

Joint resolution was then read the second time.

Mr. Cooper moved to amend so as to read "instruct our Senators and request our representatives."

On motion of Mr. Robinson, the amendment was adopted.

The question recurring on the engrossment of the joint resolution, it was ordered to be engrossed.

Mr. McLean moved that the House, on to-morrow, at twelve o'clock, resolve itself into Committee of the Whole on the Governor's message.

Carried.

Mr. Sinclair introduced a bill to incorporate the Island City Real Estate and Homestead Association. which was read for the first time by caption, and referred to Committee on Internal Improvements.

Mr. McLean introduced a bill to incorporate the Big C press Bridge Company, which was read for the first time by caption, and referred to Committee on Roads, Bridges and Ferries.

Mr. Morrison introduced a bill to incorporate the Trinity Bridge Company, which was read for the first time by caption, and referred to Committee on Roads, Bridges and Ferries.

Mr. Williams of Colorado introduced a resolution to extend the corporate limits of Columbus, which was read first time and referred to Committee on Corporations.

Mr. Posey introduced a bill for the relief of the heirs of Gen. Sam. Houston, deceased, which was read first time and referred to the Judiciary Committee.

Mr. Plumley introduced a bill to incorporate the Magnolia Grove Association of Galveston, which was read first time by caption, and referred to Committee on State Affairs.

Mr. Hill offered the following resolution:

Resolved, That Mr. Johnson of Marion be added to the Committee on Internal Improvements.

Mr. Abney moved a suspension of the rules for the second reading of the resolution.

Lost.

Mr. Plumley introduced a bill to incorporate the Jewish Congre-

gation B'nai Israel of Galveston, which was read first time by caption and referred to Committee on State Affairs.

Mr. Tegener offered the following resolution:

Resolved, That Mr. Ross be added to the Committee on Indian Affairs.

Mr. Williams of Colorado moved a suspension of the rules for the second reading of the resolution.

Rules suspended.

Resolution read second time.

On motion of Mr. Grothaus the House adjourned until ten o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES,
AUSTIN, May 4, 1870.

House met pursuant to adjournment.

Speaker Evans in the chair.

Roll called.

Quorum present.

Journal of yesterday read and adopted.

On motion of Mr. Adams Mr. R. L. Moore was excused from attendance on account of sickness.

Mr. Sheriff offered a petition of citizens of Fort Bend county asking that the Dramatic Club of Richmond be exempted from the license tax, and asked that it be referred to Committee on State Affairs

It was so ordered.

Mr. Young offered a petition from citizens of Hill county asking the prohibition of the sale of intoxicating liquors within the village of Aquilla, and asked that it be referred to the Judiciary Committee.

It was so ordered.

Mr. Young offered a petition from citizens of Hill county asking the prohibition of the sale of intoxicating liquors within the village of Towash and vicinity, and asked its reference to the Judiciary Committee.

The House refused to so refer it.

Mr. McLean moved that the petition be referred to the Committee on Education.

Carried.

Mr. Cooper offered a petition from citizens of Trinity county asking the incorporation of "Pennington College" at Pennington, and asked its reference to the Committee on Education.

It was so ordered.

Mr. Cole offered a petition from citizens of Grayson county asking the prohibition of the sale of intoxicating liquors within the village of Whitesboro, and asked that it be referred to the Committee on Education.

It was so ordered.

Mr. Plumley presented a memorial from the Galveston Bar Association relative to the Supreme Court and the provisions of the Constitution affecting said court, and asked that it be referred to the Judiciary Committee.

It was so ordered.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM,
Austin, May 3, 1870.

HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined and compared a joint resolution requesting our Senators and Representatives in Congress to urge the immediate passage of a bill for the protection of our frontier, etc., and find the same to be correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE,
Chairman of Committee.

The report was accepted.

Mr. Plumley, Chairman of Committee on Rules, made the following report:

COMMITTEE ROOM,
Austin, May 4, 1870.

To the HON. IRA H. EVANS,
Speaker of the House of Representatives of Texas.

SIR: Your Committee, appointed to prepare rules for the government of this House, beg leave to report the following rules for the consideration of the House.

Very respectfully,

B. RUSH PLUMLEY,
Chairman of Committee on Rules.

Mr. Plumley moved that each rule be read separately, and if no objection be made each should be considered adopted.

Carried.

Rules one and two were then read and adopted.

Mr. Slaughter moved that the further reading of the rules be dispensed with, and that they be printed and laid on the desks of the members for their information.

Carried.

Mr. Abbott, of Hill county, introduced a bill to charter Trinity University at Tehuacana, Hill county, and asked its reference to the Committee on Education.

It was so ordered.

Mr. Cooper introduced a bill to incorporate Pennington College, and prohibit the sale of intoxicating liquors within certain limits of the same, and asked that it be read by caption, and referred to Committee on Education.

It was so ordered.

Mr. Sheriff introduced a bill to prevent stage coaches from carrying more than a certain number of passengers, charging more than a

certain rate per mile and travelling less than a certain rate of speed, and asked that it be referred to the Judiciary Committee.

The House refused to so refer it.

Mr. Slaughter moved that it be referred to Committee on Finance.

Lost.

Mr. Schutze moved that it be referred to Committee on Stock Raising.

Lost.

Mr. Plumley moved that it be referred to Committee on State Affairs.

Lost.

Mr. Franks moved to reject the bill.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Speaker, Abney, Adams, Abbott of Hill, Booty, Bonner, Chambers, Cooper, Cox, Davis, Dorris, Ellis, Franks, Gardiner, Hughes, Hill, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Leonard, Manning, Moore of Harrison, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Prissick, Schutze, Simmons, Stirman, Stockbridge, Shelburne, Tinsley, Van Noy, York, Youngkin—41.

Nays—Austin, Abbott of Austin, H. R. Allen, R. Allen, Becton, Burley, Burnett, Cotton, Crudup, Cole, Camp, Dupree, Gaston, Grothaus, Lane, Locke, Morrison, Morris, Mullins, Medlock, Posey, Pierson, Plumley, Robb, Robinson, Ross, Schlotman, Sheriff, Sinclair, Slaughter, Tegener, Weaver, Wilkinson, Williams of Walker, Weaver, Williams of Colorado, Young, Zapp, Zoeller—39.

So the bill was rejected.

Mr. Schutze moved to reconsider the vote by which the House rejected the bill.

Carried.

On motion of Mr. Schutze the bill was referred to Committee on Commerce and Manufactures.

Mr. Sinclair introduced a bill to incorporate the Texas Banking and Insurance Company; asked that it be read by caption, and referred to the Committee on Commerce and Manufactures.

It was so ordered.

Mr. Williams of Colorado offered a resolution providing for the levy of a tax to encourage internal improvements, and asked that it be referred to the Committee on Internal Improvements.

It was so ordered.

Mr. Sheriff introduced a bill to incorporate the Pittsville Cotton Manufacturing Company of Pittsville, Fort Bend county, and asked

that it be referred to the Committee on Commerce and Manufactures.

It was so ordered.

Mr. Hawkins introduced a bill to raise a court-house fund, and asked that it be referred to Committee on Judiciary.

It was so ordered.

Mr. Booty introduced the following joint resolution, which was referred to Judiciary Committee:

Resolved by the Legislature of Texas, That whereas, by the Constitution recently adopted in said State, no jurisdiction is conferred upon Justices of the Peace, there be, and is hereby, conferred upon them such civil and criminal jurisdiction as was exercised by Justices of the Peace prior to the adoption of said Constitution; such jurisdiction to be exercised by said Justices of the Peace only until a bill be passed granting them such paramount jurisdiction as it contemplated by said Constitution.

Mr. Wilkinson offered the following resolution, which was referred to the Committee on Stock Raising

Resolved, That the Committee on Agriculture and Stock Raising are hereby instructed to inquire into the propriety of the Legislature offering a reward to any person or persons who may devise any means of successfully destroying the cotton caterpillar in the embryo, and prevent its destroying the cotton crop.

Mr. Morris introduced a bill to authorize John Terrell, a citizen of Marion county, to keep a ferry on Big Cypress Bayou, and asked that it be referred to Committee on Roads, Bridges and Ferries.

It was so ordered.

Mr. Haswell introduced a bill to incorporate the Texas Immigration Company, and asked that it be referred to Committee on Immigration.

It was so ordered.

Mr. Plumley introduced a bill to incorporate the Galveston Bay Dredging Company, for the purpose of opening the mouth of Trinity river, and asked that it be read by caption and referred to the Committee on State Affairs.

It was so ordered.

Mr. Hawkins introduced a bill to amend an act to regulate proceedings in the District Court, approved May 13, 1846, and asked that it be read by caption and referred to the Judiciary Committee.

It was so ordered.

Mr. Zapp introduced a bill to incorporate the Allemania Association of the town of LaGrange, Texas, and asked that it be read by caption and referred to the Committee on State Affairs.

It was so ordered.

Mr. Lane offered the following resolution:

WHEREAS, Great necessity exists for a speedy re-districting the State into Judicial Districts, as contemplated by the new Constitution; therefore,

Resolved, That a committee of one from each Senatorial District be appointed to re-district the State, and report as soon as practicable.

Laid over under the rules.

Mr. Booty offered the following resolution:

Resolved, That all contestants whose grounds of contest are regularly inquired into by the Committee on Privileges and Elections, and determined by this House, shall be entitled to per diem to the date of the decision of their case, and mileage; and where the decision is adverse to the sitting member, such member shall be entitled to the same benefits.

On motion of Mr. Abney the resolution was rejected.

Mr. Abney moved that the House proceed to the consideration of the business on the Speaker's table.

Carried.

The Speaker announced that the first business in order was the resolution of Mr. Slaughter to instruct the Judiciary Committee to take into consideration the matter of re-districting the Judicial Districts of the State.

On motion of Mr. Chambers the resolution was adopted.

The Speaker announced the next business in order was the resolution of Mr. Prissick requesting the Committee on Indian Affairs to examine into the feasibility of calling out volunteers to assist in the protection of the frontier from the raids of the Indians.

Mr. Cooper moved the adoption of the resolution, which, by leave of the House, was withdrawn.

On motion of Mr. Franks, the resolution was rejected.

The Speaker announced the next business in order, the resolution of Mr. Cooper, requesting that a special committee, to consist of one member from each Judicial District, be appointed to lay off the State into appropriate Judicial Districts.

Mr. Cooper moved to reconsider the vote by which the Judiciary Committee was instructed to take measures for the re-districting of the State into Judicial Districts.

Mr. Abney moved to lay the motion to reconsider on the table.

Lost.

The question then recurring upon the reconsideration of the vote by which the Judiciary Committee was instructed to at once take

measures to re-district the State into Judicial Districts, the House decided to reconsider the resolution.

The question then recurred whether the resolution should be adopted or rejected.

Mr. Cooper offered the following resolution as a substitute for that offered by Mr. Slaughter:

Resolved, That a special committee, to consist of one member from each Judicial District, be appointed, whose duty it shall be to lay off the State into appropriate Judicial Districts, under the new Constitution, and report at the earliest day practicable, by bill or otherwise.

Mr. Sinclair moved to amend by inserting the word "Senatorial" in place of "Judicial."

Carried.

The question then recurred upon the adoption of the substitute as amended.

The Speaker announced that the hour had arrived to go into committee of the whole.

Mr. Slaughter moved that the House resolve itself into committee of the whole for the consideration of the Governor's Message, in accordance with a motion adopted yesterday.

Carried.

Mr. Slaughter was appointed Chairman.

The Committee rose and asked leave to sit again at 2:30 P. M.

Mr. Slaughter moved that the House take a recess until 2:25 P. M.

Carried.

HOUSE OF REPRESENTATIVES,
2:25 o'clock, P. M.

House called to order.

Roll called.

No quorum present.

Mr. Franks moved a call of the House.

Call sustained.

On motion of Mr. Morrison, Mr. Sinclair was excused on account of sickness.

On motion of Mr. Zoeller, Mr. Schlickum was excused on account of sickness.

On motion of Mr. Shelburne, Mr. Ross was excused on account of sickness.

Mr. Slaughter moved that the Sergeant-at-Arms be dispatched

for the absentees, and bring them in custody to the bar of the House.

Carried.

The Speaker announced there was a quorum present.

On motion of Mr. Slaughter all proceedings under the call of the House were suspended.

Mr. Camp asked to be excused from attendance

Granted.

On motion of Mr. Posey the House resolved itself into Committee of the Whole, for the consideration of the Governor's message.

Mr. Slaughter was appointed Chairman.

The committee rose; the Chairman reported progress, and stated that the committee recommended that the different portions of the Governor's message be referred to the appropriate committees, and asked that the Committee of the Whole be discharged.

On motion the report was accepted and the committee discharged.

On motion of Mr. Burnett the Judiciary Committee was authorized to employ a clerk.

Mr. Plumley asked for a sub-committee of the Committee on Rules, to supervise the printing of the rules.

Mr. Butler moved that the Chairman and two members of the committee be appointed a sub-committee to supervise such work.

Carried.

Mr. Young moved that the Committee on Internal Improvements be authorized to employ a clerk.

Carried.

On motion of Mr. Locke the House adjourned until ten o'clock to-morrow.

HOUSE OF REPRESENTATIVES,

AUSTIN, May 5, 1870.

House met pursuant to adjournment.

Speaker Evans in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and adopted.

On motion of Mr. Slaughter, Mr. H. R. Allen was excused from attendance on account of sickness.

On motion of Mr. McLean, Mr. R. L. Moore was excused from attendance on account of sickness.

On motion of Mr. Lane, Mr. Ross was excused from attendance on account of sickness.

Mr. Cooper offered a petition from citizens of Cherokee, Anderson, Smith and Henderson counties, requesting that B. P. Riddle and James Blackburn be authorized to erect a toll bridge across the Neches river, and asked that it be referred to the Committee on Roads, Bridges and Ferries.

It was so ordered.

Mr. Abbott, of Hill, offered a petition from Henry L. Molloy, Alfred Brooks and their associates, asking for a bridge charter.

The reading of the bill was dispensed with, and it was referred to the Committee on Roads, Bridges and Ferries.

Mr. Cole offered a petition from citizens of Grayson county requesting that the Legislature legalize the sale of certain lands, and asked that it be referred to the Committee on Public Lands and Land Office.

It was so ordered.

Mr. Morrison, Chairman of Committee on Militia, offered a bill to provide for the enrollment of the militia, and asked that it be printed for the use of the members.

Mr. Schutze moved that the reading of the bill be dispensed with, and that it be printed and passed to the second reading.

It was so ordered.

Mr. R. Allen offered the following resolution:

WHEREAS, This State has been destitute of legislation for a number of years, and now assemble to take matters of great importance into consideration, and as most of the *ante bellum* laws require revision; and

WHEREAS, The members of this body should thoroughly understand and carefully investigate all matters brought before them; therefore, be it

Resolved, That all motions, bills or resolutions, laid over under the rule, shall be printed and laid on the desk of each member prior to its second reading.

Laid over under the rules.

Mr. Moore of Harrison offered the following resolution:

WHEREAS, we are aware of the deficiency, and almost total want of public schools for the benefit of the masses of the people throughout the State of Texas. Therefore be it

Resolved, That the Committee on Education be required to report by bill, or otherwise, for the establishing of public schools throughout the State, in compliance with sections five and six, article nine, of the Constitution lately adopted by the suffrage of the people of the State of Texas.

Laid over under the rules.

Mr. Crudup introduced a bill to authorize clerks of the District Courts and Justices of the peace to issue executions for costs, and asked that it be put upon its second reading.

Mr. Cooper moved that it be referred to the Judiciary Committee.

It was so ordered.

Mr. Butler introduced a bill to make an appropriation to erect a monument to the memory of General Sam Houston.

Bill read the first time.

Second reading ordered.

A message was received from the Senate informing the House that the Senate had passed a joint resolution "Authorizing officers elect to act under existing laws until further legislation," and asking the concurrence of the House in the same.

Mr. Morris introduced a bill to incorporate the Jefferson and Louisiana Slack Water Navigation Company, asked that it be read by caption and referred to Committee on Internal Improvements.

It was so ordered.

Mr. Schutze introduced a bill to repeal and amend an act to punish certain offences committed on Sundays; approved December 16, 1863, passed November 13, 1866; asking that it be read by caption, and referred to Committee on State Affairs.

It was so ordered.

Mr. Cooper introduced a bill to amend an act passed Feb. 15, 1858, amendatory to an act passed August 26, 1856, to establish a code of criminal procedure for the State of Texas; asked that it be read by caption and referred to the Judiciary Committee.

It was so ordered.

Mr. Dorris introduced a bill prohibiting the carrying of pistols, bowie-knives and daggers, asking that it be read by caption and referred to the Judiciary Committee.

It was so ordered.

Mr. Abbott, of Austin, introduced a bill to provide for the payment of pensions.

It was read first time.

Mr. Grothaus moved that it be referred to Committee on State Affairs.

It was so ordered.

Mr. Johnson offered the following resolution:

Resolved, That the Committee on Public Buildings be authorized to rent or prepare suitable rooms for the use of the committees of this House.

Mr. Slaughter moved the suspension of the rules for the immediate consideration of the resolution.

Rules suspended.

Resolution read second time.

Mr. Robinson moved the adoption of the resolution.

Resolution adopted.

The Speaker announced that the hour had arrived for the House to resolve itself into Committee of the Whole for the consideration of the contested election case of Lyons vs. Hill.

On motion of Mr. Butler the House resolved itself into a Committee of the Whole for the consideration of the case of Lyons vs. Hill.

[Mr. Slaughter called to the Chair.]

FOUR O'CLOCK P. M.

Committee rose and reported as follows:

The committee has had under consideration the contested case of Lyons vs. Hill, and the committee recommends the rejection of the report and resolution of the Committee on Privileges and Elections, and the committee asks to be discharged from the further consideration of the subject.

Mr. Butler moved that the report of the committee be adopted, and the committee discharged.

Mr. Lane moved a call of the House.

Call sustained.

Mr. Butler asked that Mr. Harn be excused on account of sickness.

Excused.

Mr. Butler moved that the call of the House be suspended.

Call suspended.

Mr. Morris moved that the House adjourn until ten o'clock tomorrow morning.

Lost.

The question then recurred upon the adoption of the report of the Committee of the Whole.

Mr. McLean was excused from voting.

Mr. Morrison moved that the House adjourn until ten o'clock to-morrow.

Lost.

Mr. Morrison moved a call of the House.

Call sustained.

Mr. Butler moved a suspension of the call of the House.

Call suspended.

Mr. Butler moved the previous question.

Previous question seconded.

The question then recurring, "Shall the main question be now put?"

It was so ordered.

The main question being upon the adoption of the report of the Committee of the Whole,

The yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Speaker, Abney, Abbott of Austin, R. Allen, Adams, Abbott of Hill, Butler, Burley, Bonner, Chambers, Cooper, Cotton, Camp, Dupree, Davis, Franks, Gardiner, Grothaus, Hughes, Hamilton, Hawkins, Jenkins, Kyle, Kendall, Lacy, Manning, Moore of Harrison, McKee of Fannin, Mullins, Medlock, Miller, Posey, Plumley, Robb, Robinson, Schlotman, Sinclair, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin—43.

Nays—Messrs. Austin, Becton, Booty, Burnett, Cole, Cox, Dorris, Ellis, Gaston, Johnson, Lane, Leonard, Locke, Morrison, Morris, McKee of Guadalupe, Prissick, Pierson, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Shelburne, Tegener, Weaver of Hunt, Wilkinson, Weaver of Johnson, Young, Zapp, Zoeller—33.

So the report was adopted.

Mr. Butler moved that the House adjourn until ten o'clock A. M to-morrow.

Lost.

Mr. Robinson introduced the following resolution:

Resolved, That Jno. P. Hill, Esq., of Titus county, is not entitled to a seat in this body as a representative from the ninth senatorial district, but that the same of right belongs to J. R. Lyons, Esq., of Red River county, as established by precedent, he having received the next highest number of votes.

Mr. Locke moved that the House adjourn until ten o'clock, A. M., to-morrow.

Lost.

Mr. Slaughter offered the following amendment:

Strike out all after ninth senatorial district, and insert "the Committee on Privileges and Elections be instructed to inquire into Mr. Lyons' right to said seat."

Mr. Franks moved the rejection of the amendment.

Lost.

Mr. Butler moved the adoption of the amendment.

Adopted.

The question then recurring upon the adoption of the resolution, as amended, on motion of Mr. Abney, it was adopted.

On motion of Mr. Chambers, the House adjourned until to-morrow at ten o'clock, A. M.

HOUSE OF REPRESENTATIVES,
AUSTIN, May 6, 1870.

House met pursuant to adjournment.

Speaker Evans in the chair.

Roll called.

Quorum present.

Journal of yesterday read and adopted.

Mr. Slaughter introduced a petition of M. L. Armstrong contesting the seat of Mr. Van Noy.

Mr. Robinson moved to reject the petition.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Speaker, R. Allen, Butler, Burley, Burnett, Bonner, Cotton, Dupree, Davis, Gardiner, Kendall, Manning, Moore of Harrison, Mullins, Medlock, Robinson, Schlickum, Sinclair, Tegener, Tinsley, Wilkinson, Williams of Colorado, Youngkin, Zapp, Zoeller—25.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Adams, Abbott of Hill, Becton, Booty, Chambers, Cooper, Crudup, Cole, Camp, Cox, Dorris, Franks, Gaston, Grothaus, Hughes, Harn, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Morrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Pierson, Plumley, Prissick, Robb, Schlotman, Schutze, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Shelburne, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, York—53

So the motion to reject was lost.

Mr. Robinson moved that the consideration of the petition be postponed until the 6th day of May, A. D. 1899.

Lost.

Mr. Slaughter moved that it be referred to the Committee on Elections and Privileges.

It was so ordered.

Mr. H. R. Allen introduced a petition from Ellis Benson, a survivor of the army of Texas, requesting that he be allowed a pension.

The petition was referred to the Committee on State Affairs.

Mr. Cooper introduced a petition from citizens of Houston, Angelina, Cherokee and Trinity counties, asking that a new county be created, to be called Monroe.

Which was read and referred to Committee on Counties and County Boundaries.

The Speaker laid before the House a petition from citizens of

Titus county, protesting against the granting of charters for building of bridges and causeways in said county.

Mr. McLean moved that it be referred to Committee on Roads, Bridges and Ferries.

It was so ordered.

Mr. Morrison moved that the rules reported by the committee, and printed, be adopted,

By leave of the House the motion was withdrawn.

On motion of Mr. Slaughter the consideration of the rules, as reported by the special committee, was made the special order of the day for to-morrow, at 11:30 A. M.

Mr. Butler, of the select joint committee on mileage (on the part of the House), made the following report:

COMMITTEE ROOM,
May 6, 1870.

TO THE HON. IRA H. EVANS,
Speaker House of Representatives:

Sir: Your select joint committee, to whom was referred the resolution to prepare a schedule of mileage to govern in the payment of members of the Legislature, respectfully report the accompanying schedule and recommend its adoption, together with the following resolution:

Resolved, That the Comptroller be instructed to audit all mileage accounts in conformity with the subjoined schedule: That for every fraction of mileage under twenty-five miles, one day's pay be additionally computed; and such members who may have received less mileage at the Provisional session of this Legislature than is allowed in conformity with this resolution, are hereby authorized to demand and collect any balance that may be due and unpaid by the State Treasurer.

J. P. BUTLER,
Chairman of Committee.

SCHEDULE OF DISTANCES TO AUSTIN AND RETURN.

COUNTY.	MILES.	COUNTY SEAT.
Anderson	550	Palestine
Angelina	640	Homer
Archer		
Atascosa	270	Pleasanton
Austin	260	Bellville
Bandera	260	Bandera
Bastrop	70	Bastrop
Baylor		

COUNTY.	MILES.	COUNTY SEAT.
Bee	340	Beeville
Bell	120	Belton
Bexar	170	San Antonio
Blanco	100	Blanco
Bosque	250	Meridian
Bowie	960	Boston
Brazoria	400	Brazoria
Brazos	376	Boonville
Brown	300	Brownwood
Burleson	400	Caldwell
Burnet	120	Burnet
Caldwell	60	Lockhart
Calhoun	300	Indianola
Callahan		
Cameron	970	Brownsville
Chambers	640	Wallersville
Cherokee	540	Rusk
Clay		
Collin	500	McKinney
Colorado	210	Columbus
Coleman	360	Camp Colorado
Comal	100	New Braunfels
Comanche	280	Cora
Concho		
Cooke	600	Gainesville
Coryell	200	Gatesville
Dallas	400	Dallas
Davis	800	Linden
Dawson		
Denton	500	Denton
De Witt	208	Clinton
Dimmitt		
Duval		
Eastland		
Edwards		
Ellis	400	Waxahachie
El Paso	1700	San Elisario
Encinal		
Erath	400	Stephensville
Falls	234	Marlin
Fannin	600	Bonham
Fayette	176	Lagrange
Fort Bend	350	Richmond

COUNTY.	MILES.	COUNTY SEAT.
Freestone	330	Fairfield
Frio		
Galveston	476	Galveston
Gillespie	310	Fredericksburg
Goliad	240	Goliad
Gonzales	180	Gonzales
Grayson	622	Sherman
Grimes	330	Anderson
Guadalupe	124	Seguin
Hamilton	220	Hamilton
Hardeman		
Hardin	600	Hardin
Harris	376	Houston
Harrison	830	Marshall
Haskell		
Hays	60	San Marcos
Henderson	630	Athens
Hidalgo	800	Edinburgh
Hill	300	Hillsboro
Hood	430	Stockton
Hopkins	650	Tarrant
Houston	490	Crockett
Hunt	550	Greenville
Jack	550	Jacksboro
Jackson	300	Texana
Jasper	920	Jasper
Jefferson	790	Beaumont
Johnson	400	Buchanan
Jones		
Karnes	240	Helena
Kaufman	400	Kaufman
Kendall	230	Boerne
Kerr	260	Kerrville
Kimble		
Kinney		
Knox		
Lamar	700	Paris
Lampasas	130	Lampasas
La Salle		
Lavaca	200	Halletsville
Leon	300	Centreville
Liberty	692	Liberty
Limestone	300	Springfield

COUNTY.	MILES.	COUNTY SEAT.
Live Oak	300	Oakville
Llano	160	Llano
McCulloch		
McLennan	200	Waco
McMullen		
Madison	300	Madisonville
Marion	850	Jefferson
Mason	250	Mason
Matagorda	400	Matagorda
Maverick		
Medina	210	Castroville
Menard		
Milam	240	Cameron
Montague	600	Montague
Montgomery	450	Montgomery
Nacogdoches	560	Nacogdoches
Navarro	340	Corsicana
Newton	700	Newton
Nueces	560	Corpus Christi
Orange	600	Orange
Palo Pinto	500	Palo Pinto
Panola	756	Carthage
Parker	500	Weatherford
Polk	460	Livingston
Presidio		
Red River	800	Clarksville
Refugio	350	Refugio
Robertson	430	Owensville
Runnels		
Rusk	700	Henderson
Sabine	740	Milam
San Augustine	650	San Augustine
San Patricio	400	San Patricio
San Saba	200	San Saba
Shackelford		
Shelby	600	Canton
Smith	800	Tyler
Starr	1000	Rio Grande City
Stephens		
Tarrant	470	Fort Worth
Taylor		
Throckmorton		
Titus	800	Mount Pleasant

COUNTY.	MILES.	COUNTY SEAT.
Travis		Austin
Trinity	40	Sumpter
Tyler	600	Woodville
Upshur	790	Gilmer
Uvalde	460	Uvalde
Van Zandt	524	Canton
Victoria	260	Victoria
Walker	410	Huntsville
Washington	220	Brenham
Webb	700	Laredo
Wharton	320	Wharton
Wichita		
Wilbarger		
Williamson	52	Georgetown
Wilson	160	Sutherland Springs
Wise	600	Decatur
Wood	714	
Young		
Zapata	800	Carivo
Zavalla		

On motion of Mr. Butler, the rules were suspended for the immediate consideration of the concurrent resolution on mileage.

Mr. Hughes moved the following amendment:

That the schedule of miles, regulating the distance to Parker, be changed so as to read four hundred and eighty, instead of five hundred miles.

Amendment adopted.

Mr. Chambers moved to amend by inserting, "distance from Jasper 864 instead of 920."

Amendment adopted.

Mr. Kyle offered the following amendment:

The distance, in the schedule, to Hays, strike out sixty miles and insert forty-six miles.

Mr. Butler moved the previous question.

Previous question sustained; main question ordered.

The question being upon the amendment of Mr. Kyle, it was adopted.

The question recurring upon the adoption of the report as amended, it was adopted.

Mr. Plumley introduced a bill to establish the Criminal Court of Galveston and Harris counties; asked that it be read by caption, and referred to the Committee on Judiciary.

Read the first time and referred to Judiciary Committee.

Mr. Morris introduced a bill to provide for the appointment by the Governor of certain officers of the State; asked that it be read by caption and referred to Committee on Judiciary.

Read the first time and referred to Judiciary Committee.

Mr. Hughes offered the following resolution:

Resolved, That the Hon. Speaker of this House appoint a Committee on Private Land Claims, the same, when appointed, to constitute one of the standing committees of the House.

Laid over under the rules.

Mr. Sinclair offered the following resolution:

Resolved, That the elected officers of this body be allowed mileage.

Laid over under the rules.

Mr. Abbott of Hill introduced a bill to authorize the Governor to order an election of county officers in the counties of Navarro and Milam.

Bill read first time.

Second reading ordered.

Mr. McLean introduced a bill to carry into effect section thirty-two of article three of the Constitution; asked that it be read by caption and referred to Committee on State Affairs.

Bill read first time and referred to Committee on State Affairs.

Mr. Crudup introduced a bill to amend an act regulating practice in courts of justices of the peace; asked that it be read by caption and be referred to Committee on Judiciary.

Bill read first time and referred to Judiciary Committee.

Mr. Cooper introduced a bill to incorporate the Odd Fellows' Hall and Building Association of Texas; asked that it be read by caption and referred to the Committee on State Affairs.

Bill read first time and referred to Committee on State Affairs.

Mr. Prissick introduced a bill to regulate the formation an association for the protection of live stock.

On motion of Mr. Abney, it was read first time by caption and referred to Committee on Stock Raising.

Mr. Zapp introduced a bill to incorporate the town of Round Top; asked that it be read by caption and referred to Committee on Towns and City Corporations.

Bill read first time and referred to Committee on Towns and City Corporations.

Mr. Plumley introduced a bill to incorporate the Firemen's Insurance Company of Galveston; asked that it be read by caption and referred to Committee on State Affairs.

Bill read first time and referred to Committee on State Affairs.

Mr. Hawkins introduced a bill to regulate the fees of office of clerks of district courts; asked that it be read by caption and referred to the Committee on Judiciary.

Bill read first time and referred to Judiciary Committee.

Mr. Abbott of Hill introduced a bill to incorporate the Powell Bridge Company in Navarro county; asked that it be read by caption and referred to Committee on Roads, Bridges and Ferries.

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Prissick introduced a bill concerning the taking, marking or branding, or altering or defacing marks or brands of live stock; asked that it be read by caption and referred to Committee on Agriculture and Stock Raising;

Bill read first time and referred to Committee on Agriculture and Stock Raising.

Mr. Burnett offered the following resolution:

Resolved, That the Secretary of State is hereby requested to procure, for the use of the Judiciary Committee of this House, five copies of Paschal's Digest of the Laws of Texas, and nine copies each of the General and Special Laws of the provisional Legislature of 1866.

On motion of Mr. Burnett, the rules were suspended for the immediate consideration of the resolution.

Resolution read second time.

Mr. Wilkinson offered the following amendment:

"Also, one copy of Paschal's Digest and other laws of 1866, for each Chairman of the several committees of this House."

Amendment adopted.

The question recurring upon the adoption of the resolution, as amended, it was adopted.

Mr. Franks introduced a bill to authorize Police or County Courts, for the several counties, to levy and collect a special tax.

Asked that it be read by caption and referred to Committee on Judiciary.

Bill read first time and referred to Judiciary Committee.

Mr. Cooper introduced a bill to authorize B. P. Riddle and James Blackburn to erect a toll bridge across Neches river.

Asked that it be read by caption and referred to Committee on Roads, Bridges and Ferries.

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. York introduced a bill to prohibit the branding and marking of cattle at a certain season of the year.

Asked that it be read by caption and referred to the Committee on Agriculture and Stock Raising.

Bill read first time and referred to Committee on Agriculture and Stock Raising.

Mr. J. R. McKee introduced a bill to incorporate the town of Bonham, in the county of Fannin.

Asked that it be read by caption and referred to the Committee on Town and City Corporations.

Bill read first time and referred to Committee on Town and City Corporations.

Mr. Bonner moved to reconsider the vote by which the House decided the case of Lyons vs. Hill.

On motion of Mr. Robinson, the motion to reconsider was laid on the table.

[Mr. Plumley called to the Chair.]

Mr. Evans introduced the following joint resolution:

JOINT RESOLUTION ASKING THE CONGRESS OF THE UNITED STATES TO PREVENT THE REPUBLIC OF MEXICO FROM HARBORING BANDS OF INDIANS WHO DEVASTATE THE SOUTH-WESTERN FRONTIER OF THE STATE OF TEXAS.

WHEREAS, During the last five years certain bands of Indians, known as "Kickapoos" and "Lipans," residing in the State of Coahuila and Tamaulipas, Republic of Mexico, have been making constant raids into the settlements upon the south-western frontier of this State, killing scores of our citizens and driving off large quantities of live stock into Mexico, thereby retarding the settlement and development of many counties in this State, and tending to the depopulation and destruction of the scattered settlements on our south-western frontier; and

WHEREAS, These Indians have resided and are still residing in and contiguous to cities and villages of the Mexican States named; and

WHEREAS, It is notorious that these Indians have been constantly aided and encouraged by the citizens of Mexico in their murderous forays upon our soil; armed bands of said Indians, with known hostile intent, constantly crossing the Rio Grande from Mexico to this State with the full knowledge and consent of the Mexican authorities, and returning from such expeditions laden with booty captured from our unfortunate citizens, without opposition or interference on the part of the Mexican authorities; and

WHEREAS, There can be no relief for the people upon the south-

western frontier of this State so long as the Republic of Mexico continues to protect and furnish safe asylum to these savage bands of thieves and murderers: therefore,

Be it resolved by the Legislature of the State of Texas, That the Government of the United States is earnestly requested to at once take measures to compel the Republic of Mexico to fulfill its duties as a friendly power by no longer permitting its soil to be used as an asylum for the bands of thieving and murdering Indians, who, for the last five years, have been devastating the south-western frontier of this State with the full knowledge of the Mexican authorities and the aid of the Mexican people.

Be it further resolved, That copies of this preamble and resolution be forwarded to the President of the United States, President of the Senate and Speaker of the House of Representatives of the United States, and to each one of the Senators and Representatives from this State in the Congress of the United States.

Read the first time; second reading ordered.

[The Speaker resumed the chair.]

Mr. Locke moved the rules be suspended and the House now proceed to the consideration of the business upon the Speaker's table.

Rules suspended.

Mr. Camp moved the suspension of the rules for the immediate consideration of Senate Joint Resolution No. 6, authorizing officers elect to act under existing laws until further legislation.

Rules suspended; Senate Joint Resolution read first time.

On motion of Mr. Burnett it was referred to the Judiciary Committee.

The Speaker announced that the first business in order was the resolution of Mr. Morris, relative to the furnishing of daily papers for the members of the House.

Read second time.

Mr. Miller offered the following amendment:

Provided, That if any member shall so instruct the clerk he shall furnish such member five copies of the tri-weekly State Gazette, instead of the San Antonio Free Press.

Mr. Butler moved the previous question.

Previous question sustained.

The question recurring, "shall the main question be put?"

The main question was ordered.

The question being upon the adoption or rejection of the amendment of Mr. Miller.

Mr. Butler moved its rejection, upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Speaker, Abney, R. Allen, H. R. Allen, Butler,

Burley, Burnett, Bonner, Cotton, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Hamilton, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Stockbridge, Tegener, Tinsley, Van Noy, Wilkinson, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp, Zoeller—44.

Nays—Messrs. Austin, Abbott of Austin, Adams, Abbott of Hill, Becton, Booty, Chambers, Cooper, Crudup, Cole, Camp, Gaston, Hughes, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Manning, McLean, Miller, Posey, Pierson, Schutze, Simmons, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young —32.

The question then recurred upon the adoption of the resolution.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Speaker, Abbott of Austin, Abney, H. R. Allen, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Wilkinson, Williams of Walker, Williams of Colorado, Young, York, Youngkin. Zapp, Zoeller—53.

Nays—Messrs. Austin, Adams, Abbott of Hill, Beckton, Booty, Chambers, Cole, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Posey, Pierson, Simmons, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—24.

So the resolution was adopted.

Mr. Schutze moved a reconsideration of the vote by which the House adopted the resolution.

Mr. Burnett moved to lay the motion to reconsider on the table.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Speaker, H. R. Allen, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Wilkinson, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp, Zoeller—48.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Adams, Becton, Booty, Chambers, Crudup, Cole, Gaston, Hughes, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Posey, Pierson, Schutze, Simmons, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young—30.

So the motion to reconsider was laid on the table.

Mr. Slaughter moved a suspension of the rules, to take up a bill offered by Mr. Sinclair, making an appropriation of $75,000 to pay the mileage and per diem of the members and officers of the Twelfth Legislature.

Rules suspended.

Bill read second time.

On motion of Mr. Grothaus the bill was ordered to be engrossed and read the third time.

On motion of Mr. Crudup the House adjourned until ten o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, May 7, 1870.

House met pursuant to adjournment.

Speaker Evans in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and adopted.

Mr. Bonner presented a petition from citizens of Cherokee, Angelina, Houston and Trinity counties asking that a new county be created.

Petition was referred to Committee on Counties and County Boundaries.

Mr. Zoeller presented the petition of F. H. Arlitt asking for additional pay as Assessor and Collector of Bexar county.

Referred to Committee on Claims and Accounts.

Mr. Schlickum presented a petition from citizens of Bexar county asking the change of county boundary.

Referred to Committee on Counties and County Boundaries.

Mr. Burnett, Chairman of Committee on Judiciary, reported back a bill to authorize district judges and district clerks to approve bonds of county officers in certain cases, and recommended its passage.

Mr. Young moved a suspension of the rules to put the bill on its second reading.

Rules suspended.

Bill read second time.

On motion of Mr. Crudup it was ordered to be engrossed and read the third time.

Mr. Burnett, Chairman of Committee on Judiciary, reported back Senate joint resolution No. 6, and recommended its passage.

Senate joint resolution read second time.

On motion of Mr. Camp its engrossment and third reading was ordered.

Mr. Schutze, Chairman of Committee on State Affairs, offered the following report:

COMMITTEE ROOM,
Austin, Texas, May 6, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee have had before them a bill presented by the Hon. Robert Zapp, of Fayette county, asking the incorporation of the Allemania Association of the town of Lagrange, and believ-

ing it to be an association founded for the promotion of art and morality, the committee instruct me to report back the accompanying act with the recommendation that it pass.

Respectfully submitted,

JULIUS SCHUTZE,
Chairman of the Committee on State Affairs.

Laid over to come up in its regular order.

Mr. Schutze, Chairman of Committee on State Affairs, offered the following report:

COMMITTEE ROOM,
May 7, 1870.

HON. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I am instructed by the Committee on State Affairs, to whom were referred the following bills, introduced by the Hon. B. R. Plumley, of Galveston, viz: "An act to incorporate the Magnolia Grove Association of Galveston," having for its object the establishment of a cemetery in the county of Galveston, and "an act to incorporate the Jewish congregation, B'nai Israel, of Galveston," a society for religious and benevolent purposes, to report back said bills hereunto attached, with the recommendation that they pass.

Very respectfully,
JULIUS SCHUTZE,
Chairman of Committee.

Laid over to come up in their regular order.

Mr. Abbott, Chairman of Committee on Printing and Contingent Expenses, offered the following report:

COMMITTEE ROOM,
Austin, May 6, 1870.

To HON. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Printing and Contingent Expenses have examined the accompanying account and vouchers of J. P. Newcomb, Secretary of State, amounting to seven hundred and forty-nine dollars and nine cents, currency ($749.09), and thirty-two dollars and ninety cents, specie ($32.90), and approve the same, and recommend the payment of the same.

C. L. ABBOTT,
Chairman Committee on Printing and Contingent Expenses.

On motion of Mr. Locke the report was approved and adopted.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, made the following report:

COMMITTEE ROOMS,
Austin, May 7, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined and compared "an act making an appropriation for the mileage and per diem of the members, and the per diem pay of the officers and employes of the 12th Legislature of the State of Texas," and find the same to be correctly engrossed.

Respectfully,
C. J. STOCKBRIDGE.
Chairman of Committee.

On motion, the report was accepted.

Mr. Robinson moved that the newspapers furnished the House shall be paid for at the regular subscription price.

Mr. Sinclair moved to lay the motion on the table, upon which the yeas and nays were demanded and resulted as follows:

Yeas, 41, nays, 39.

So the motion was laid on the table.

Mr. Schutze moved a reconsideration of the vote by which the House laid the motion of Mr. Robinson upon the table.

Mr. Sinclair moved a call of the House.

Call sustained.

Absentees—Messrs. Abney, Butler, Davis and Ellis.

On motion of Mr. Chambers Mr. Ellis was excused.

On motion of Mr. Cooper Mr. Davis was excused.

On motion of Mr. Schutze the call of the House was suspended.

Mr. Locke moved to lay on the table the motion of Mr. Schutze to reconsider the vote laying the motion of Mr. Robinson on the table.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. H. R. Allen, R. Allen, Burley, Burnett, Cotton, Dupree, Dorris, Franks, Gardiner, Grothaus, Hughes, Harn, Hamilton, Johnson, Kendall, Lock, Morrison, Moore of Harrison, Morris, Mullins, Medlock, Plumley, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Wilkinson, Williams of Walker, Williams of Colorado, Young, Zapp, Zoeller—35.

Nays—Messrs. Austin, Abbott of Austin, Adams, Abbott of Hill, Becton, Booty, Bonner, Chambers, Cooper, Crudup, Cole, Camp, Cox, Gaston, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Posey, Pierson, Prissick, Robb, Robinson, Ross, Schutze, Sheriff,

Simmons, Stirman, Shelburne, Van Noy, Weaver of Hunt, Weaver of Johnson, York, Youngkin—41.

So the motion to lay the motion to reconsider on the table was lost.

The question recurring upon the motion of Mr. Schutze to reconsider the vote laying the motion of Mr. Robinson on the table, the yeas and nays were demanded and result .d as follows:

Yeas—Messrs. Austin, Abbott of Austin, Adams, Abbott of Hill, Becton, Booty, Bonner, Chambers, Cooper, Crudup, Cole, Camp, Cox, Gaston, Gardiner, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Posey, Pierson, Prissick, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Stirman, Shelburne, Van Noy, Weaver of Johnson, York—42.

Nays—Messrs. R. Allen, H. R. Allen, Burley, Burnett, Cotton, Dupree, Dorris, Franks, Grothaus, Hughes, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, Mullins, Medlock, Plumley, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Weaver of Hunt, Wilkinson, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—34.

So the House decided to re-consider.

Mr. Crudup moved to amend by saying fifty per cent. above the subscription price.

Mr. Abbott of Austin moved to lay the amendment on the table.

Carried

So the motion and amendment were laid on the table.

Mr. Chambers moved to re-consider the vote adopting the report of the special Committee on mileage.

Lost.

Mr. Slaughter offered the following resolution, and asked that it be referred to the Committee on Finance:

Resolved, That for all papers to which this Body have subscribed there shall be paid eight cents per copy.

The resolution was so referred.

Mr. Zoeller introduced a bill to provide for a bounty to Texas volunteers who served in the U. S. Army during the rebellion; asked that it be read by caption, and referred to Committee on Claims and Accounts.

Bill read first time and referred to Committee on Claims and Accounts.

Mr. Johnson introduced a bill to incorporate the Jefferson Insurance, Saving and Exchange Company; asked that it be read by caption, and referred to Committee on Finance.

Bill read first time, and referred to Committee on Finance.

Mr. Tinsley introduced a bill for the relief of the East Texas Agricultural and Mechanical Association; asked that it be read by caption, and referred to Committee on Agriculture and Stock Raising.

Bill read first time, and referred to Committee on Agriculture and Stock Raising.

Mr. Plumley introduced a bill to admit parties to civil suits to be witnesses; asked that it be read by caption, and referred to Committee on Judiciary.

Bill read first time and referred to Judiciary Committee.

Mr. Zapp introduced a bill to prohibit the practice of medicine by persons who have not received diplomas from regularly recognized schools of medicine.

Asked that it be read by caption and referred to Committee on Judiciary.

Bill read first time and referred to Judiciary Committee.

Mr. Grothaus offered the following resolution:

Resolved, That the Chairman of the Committee on Immigration be allowed to employ a clerk for said committee.

Laid over under the rules.

Mr. Hawkins introduced a bill to regulate the collection of costs in justices' courts.

Asked that it be read by caption and referred to Committee on Judiciary.

Bill read first time and referred to Judiciary Committee.

The Speaker announced that the hour had arrived for the consideration of the special order of the day, the adoption or rejection of the rules reported by the special committee for the government of the House.

Mr. Morris moved that the House at once proceed to the consideration of the same.

Carried.

Mr. McLean moved that the House resolve itself into committee of the whole for the consideration of the rules.

Carried.

Mr. Schutze called to the Chair.

ONE O'CLOCK, P. M.

Committee rose.

The Chairman reported that the committee had considered and recommended the adoption by the House of the rules for the government of the House referred to them, with certain amendments and additions, and asked that the committee be discharged from further consideration of the same.

Mr. Allen moved that the House adjourn until two o'clock, P. M., Monday next.

Lost.

Mr. Schutze moved that the report of the Chairman of the committee of the whole be adopted, and that the committee be discharged.

Carried.

Mr. Chambers moved that the rules, as reported by committee of the whole, be adopted, and 200 copies be printed for the use of the members, upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. H. R. Allen, R. Allen, Adams, Becton, Burley, Bonner, Chambers, Cooper, Cotton, Cole, Camp, Dupree, Franks, Harn, Hamilton; Hawkins, Johnson, Kendall, Lacy, Lane, Locke, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mullins, Medlock, Posey, Plumley, Prissick, Robb, Robinson, Ross, Schlotman, Schutze, Sheriff, Simmons, Stockbridge, Shelburne, Tinsley, Weaver of Hunt, Wilkinson, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, Youngkin, Zapp—49.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Crudup, Cox, Dorris, Gaston, Gardiner, Grothaus, Hughes, Jenkins, Kyle, Leonard, McKee of Guadalupe, Miller, Pierson, Schlickum, Sinclair, Slaughter, Tegener, York, Zoeller—22.

So the rules, as reported, were adopted, and 200 copies of the same ordered printed.

On motion of Mr. Abbott of Hill, the House adjourned until 2 o'clock, P. M., Monday next.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, May 9, 1870.

House met pursuant to adjournment.

Speaker Evans in the Chair.

Roll called.

No quorum present.

Mr. Stockbridge moved a call of the House.

Call sustained.

Absentees—Messrs. Austin, Abbott of Austin, Adams, Abbott of Hill, Butler, Crudup, Camp, Gardiner, Grothaus, Hughes, Harn, Haswell, Hawkins, McLean, McKee of Fannin, McKee of Guadalupe, Mullins, Moore of Red River, Posey, Pierson, Plumley, Robb, Schutze, Sheriff, Slaughter, Wilkinson, Williams of Colorado, York, Zapp, Young.

On motion of Mr. Morris, Mr. Young was excused.

On motion of Mr. Burley, Mr. Mullins was excused.

On motion of Mr. Allen, Mr. R. L. Moore was excused.

The Speaker announced that there was a quorum present.

On motion of Mr. Morrison the call of the House was suspended.

Journal of Saturday, May 7, was read and adopted.

Mr. Morris moved that those members present who had not qualified be now allowed to do so.

Carried.

The following members then came forward, qualified and took their seats:

First District—J. G. Smyth.

Seventeenth District—John Mitchel.

Thirtieth District—George Spencer.

Mr. York presented a petition of D. W. Burley in the contested election of S. J. Adams.

On motion of Mr. Locke, it was referred to the Committee on Elections and Privileges.

Mr. McKee, of Guadalupe, presented a petition of the citizens of Caldwell, Bastrop, Gonzales, Fayette and Lavaca counties, asking the creation of a new county, and asked that it be referred to the Committee on Counties and County Boundaries.

It was so ordered.

Mr. Becton presented a petition from the citizens of Sulphur Bluff, Hopkins county, asking the prohibition of the sale of intoxicating liquors in that place and vicinity, and asked its reference to Committee on Education.

It was so ordered.

Mr. Franks, chairman of Committee on Elections and Privileges, submitted the following report and resolution:

COMMITTEE ROOM,
Austin, Texas, May 7, 1870.

To Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom was referred the case of J. R. Lyons, as to his right to a seat in the House of Representatives, as representative from the Ninth District, which was formerly held by John P. Hill, have had the same under consideration, and beg leave to submit the following resolution, and recommend its adoption.

Resolved, That J. R. Lyons be and he is hereby entitled to a seat in the House of Representatives, as representative from the Ninth District, vice John P. Hill, declared ineligible.

F. G. FRANKS,
Chairman.

Mr. Locke moved the adoption of the report.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Adams, Abbott of Hill, Butler, Burley, Burnett, Cooper, Cotton, Crudup, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Hamilton, Haswell, Johnson, Kendall, Leonard, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchell, Medlock, Moore of Red River, Posey, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Spenser, Tinsley, Van Noy, Wilkinson, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller—50.

Nays—Messrs. Abney, Becton, Booty, Bonner, Chambers, Cole, Camp, Cox, Ellis, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, Miller, Pierson, Ross, Schutze, Simmons, Smyth, Stirman, Shelburne, Tegener, Weaver of Hunt, Weaver of Johnson, Zapp—29.

So the report was adopted.

Mr. Lyons was declared to be entitled to the seat formerly held by Mr. Hill.

Mr. J. R. Lyons then came forward, qualified and took his seat.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, made the following report:

COMMITTEE ROOMS,
Austin, May 9, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

IR: Your Committee on Engrossed Bills have carefully ex-

amined and compared the following: Senate joint resolution No. 6, House bill No. 7, and House bill No. 28, and find the same to be correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE,
Chairman of Committee.

On motion of Mr. Morris the report was accepted.

Mr. Hughes offered the following resolution:

WHEREAS, It has been brought to the knowledge of certain members of this House that papers duly addressed and stamped by members are abstracted from the House and sold to merchants of this city as waste paper, therefore be it

Resolved, That a committee of three be appointed to investigate the matter and make report to this House.

Resolution read first time.

On motion of Mr. Schutze the resolution was read the second time.

On motion of Mr. Abney the resolution was adopted.

The Speaker announced the following as the committee: Messrs. Sinclair, Williams of Colorado, and Hughes.

Mr. Sinclair offered the following resolution:

Resolved, That the Chairman of the Committee on Education be authorized to employ a clerk for the use of said committee.

Resolution read first time.

On motion of Mr. Morrison, it was read the second time.

Mr. Cooper offered the following amendment:

Amend by inserting after the word "education," "counties and county boundaries."

Mr. Slaughter offered the following substitute:

Resolved, That the chairman of all standing committees be authorized to employ clerks for their committees when such clerks are actually necessary, and such clerks to be retained only so long as they are really necessary.

Substitute adopted.

Mr. Morris offered a bill to incorporate the Jefferson Gas Light Company.

Bill read first time.

Mr. Burnett offered a bill to discontinue the county courts and provide for the disposition of the business pending therein.

Bill read first time.

Mr. McLean introduced a bill to incorporate the Agricultural and Mechanical Association of North Eastern Texas.

Bill read first time.

Mr. Morris introduced a bill to incorporate the Lake City Cotton and Wool Manufacturing company.

Bill read first time.

Mr. Johnson introduced a bill to regulate the publication of legal notices.

Read first time.

Mr. Abbott of Hill offered the following resolution:

Resolved, That the Speaker be and is hereby authorized to appoint a special committee of three or more members to revise, correct, and arrange all the laws relating to the estates of deceased persons, the probating of wills, and granting of letters testamentary and of administration, so as to adapt the same to the provisions of the constitution.

Resolution read first time.

On motion of Mr. Abney, the resolution was read second time.

Mr. Abney offered the following amendment:

Strike out "three or more," and insert "five."

On motion of Mr. Abney, the amendment was adopted.

On motion of Mr. Slaughter, the resolution as amended was rejected.

Mr. Franks introduced a bill to authorize and require the Governor to appoint district attorneys and other officers.

Bill read first time.

Mr. Cooper introduced the following resolution:

Resolved, That the Committee on State Affairs is hereby instructed to inquire into the propriety of establishing one or more State penitentiaries in this State, and report at the earliest day practicable by bill or otherwise.

Resolution read first time.

On motion of Mr. Morrison, the resolution was read the second time.

Mr. Cooper moved that the resolution be referred to Committee on State Affairs.

Lost.

On motion of Mr. Schutze, it was referred to Committee on Penitentiary.

Mr. Plumley introduced a bill to relinquish the title and to confirm the patents to certain lands, therein named.

Read first time.

Mr. Plumley introduced a bill to incorporate the Gulf Land Company of Galveston.

Read first time.

Mr. Simmons introduced a bill to regulate and provide for the compounding, dispensing and sale of drugs, medicines and poisons.

Read first time.

Mr. Morris moved that Dr. Mary E. Walker be permitted to have the use of the Representative Hall to lecture in on to-morrow evening, upon the subject of "Woman's Rights."

Carried.

Mr. Hamilton offered the following joint resolution:

WHEREAS, Dr. Baker, Superintendent of the Blind Asylum, did, on the eighth day of May, 1870, strike one blind girl, Elizabeth Barges, with threats of violence; and

WHEREAS, The said Dr. Baker does not provide the necessary rations for the comfort and maintenance of the blind.

SECTION 1. *Be it resolved by the Legislature of the State of Texas*, That the office of the said Dr. Baker, Superintendent of the Blind Asylum, be declared vacant.

SEC. 2. *Be it further resolved*, That the Governor be requested to make suitable appointments to fill such vacancy, and that this take effect from and after its passage.

Laid over under the rules.

Mr. Medlock offered the following resolution:

Resolved, That no part of the public funds or public domain, belonging to the school fund, shall be used for any other purpose than for the education of the people.

Laid over under the rules.

Mr. Cooper introduced a bill to amend an act passed the twenty-sixth day of August, 1866, to establish a Code of Criminal Procedure.

Bill read first time.

Mr. Sinclair introduced a bill to revive an act incorporating the Galveston Dry Dock Company, and the subsequent laws in relation thereto.

Bill read first time.

Mr. Grothaus introduced a bill to provide for the assessing and collecting an alien tax.

Bill read first time.

Mr. Cooper offered the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into the practicability of abolishing *capital* punishment in this State, and report by bill or otherwise.

Resolution read first time.

On motion of Mr. Abney it was read the second time.

Mr. Cooper moved that it be referred to the Committee on Judiciary.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Abney, H. R. Allen, R. Allen, Adams, Butler, Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morris, McKee of Fannin, Mitchell, Medlock, Miller, Moore of Red River, Pierson, Plumley, Robinson, Ross, Schlickum, Schutze, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Wilkinson, Williams of Walker, York, Youngkin, Zapp—54.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Crudup, Cole, Cox, Ellis, Hughes, Locke, Manning, Morrison, Moore of Harrison, McKee of Guadalupe, Posey, Prissick, Schlotman, Sheriff, Simmons, Tegener, Tinsley, Van Noy, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, Zoeller—27.

So the resolution was referred to the Judiciary Committee.

On motion of Mr. Abney the rules were suspended to allow Mr. McLean to record his vote, he not having been within the bar of the House when the question was put.

Mr. McLean voted nay.

[Mr. Plumley called to the Chair.]

Mr. Evans offered the following joint resolution:

JOINT RESOLUTION ASKING THE GOVERNMENT OF THE UNITED STATES TO IMPROVE THE BARS AT GALVESTON, PASS CAVALLO AND ARANSAS PASS.

WHEREAS, The interests of commerce and the prosperity of the State of Texas would be greatly advanced by the improvement of the bars at Galveston, Pass Cavallo and Aransas Pass, so that sea-going vessels of average tonnage could cross said bars regularly, and without danger or impediment; and,

WHEREAS, The ports to be reached by crossing said bars are the natural outlets and shipping points not only for the products of the great State of Texas, but also for a large portion of Northern Mexico, and probably will be such, in the near future, for several of the States and Territories lying to the north of Texas; and,

WHEREAS, The General Government expends millions of dollars, annually, for bar, harbor and river improvements, and such improvements are believed to be proper subjects for the action of the General Government; therefore,

Be it resolved by the Legislature of the State of Texas, That the Congress of the United States is earnestly petitioned to enact such measures and make such appropriations as may be necessary to

improve the bars at Galveston, Pass Cavallo and Aransas Pass, so that sea-going vessels of average tonnage may be able to cross such bars regularly, and without danger or impediment.

Be it further resolved, That a copy of this preamble and resolution be transmitted to the President of the Senate and Speaker of the House of Representatives of the United States, and to each one of the Senators and Representatives from this State in the Congress of the United States, and that such Senators are hereby instructed, and such Representatives requested, to use their utmost endeavors to secure the legislation indicated in this resolution.

Joint resolution read first time.

On motion of Mr. Camp, the rules were suspended and the joint resolution read the second time.

Mr. Burnett offered the following amendment:

Add "Sabine Pass."

The amendment was adopted.

Mr. Butler offered the following amendment:

Amend by inserting after Aransas Pass, "and the bar at Brazos Santiago."

The amendment was adopted.

On motion of Mr. Evans, the joint resolution as amended was ordered to be engrossed, and read the third time.

Mr. Williams of Colorado, moved a further suspension of the rules to put the joint resolution on its final passage.

Rules suspended.

On motion of Mr. Cooper, the joint resolution as amended was adopted.

Mr. Evans moved a suspension of the rules for the purpose of taking from the Speaker's table a joint resolution, asking the United States to prevent the Republic of Mexico from harboring bands of Indians who desolate the south-western frontiers of Texas.

Rules suspended.

Mr. Evans moved the engrossment and third reading of the joint resolution.

It was so ordered.

On motion of Mr. Evans, the rules were further suspended and the joint resolution read the third time, and adopted.

[Speaker Evans resumed the chair.]

Mr. Slaughter offered the following resolution:

Resolved, That the Judiciary Committee be instructed to take into consideration immediately the matter of re-districting the Judicial Districts of this State.

Resolution read first time.

On motion of Mr. Sinclair, the resolution was read the second time.

Mr. Morrison moved the adoption of the resolution, upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Austin, Abney, H. R. Allen, R. Allen, Abbott of Hill, Becton, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, Hughes, Lyons, Hamilton, Haswell, Hawkins, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Medlock, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Weaver of Hunt, Wilkinson, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller—69.

Nays—Messrs. Adams, Booty, Chambers, Cole, Ellis, Jenkins, Kyle, Miller, Stirman—9.

So the resolution was adopted.

Mr. Sinclair introduced a bill to grant to the Galveston Wharf Company the right to make railroad connection with their wharves and the Galveston, Houston and Harrisburg Railroad.

Bill read first time.

Mr. Williams of Colorado moved to suspend the rules for the election of Chaplain.

Lost.

On motion of Mr. Hughes the House proceeded to the consideration of the business on the Speaker's table.

The Speaker announced the first business in order was the resolution of Mr. Plumley, in regard to the appointment of three general clerks.

Resolution read second time.

On motion of Mr. Plumley, the resolution was adopted.

The Speaker announced that the next business in order was the resolution of Mr. Camp in regard to the practice of carrying firearms.

Resolution read second time.

Mr. Camp moved the adoption of the resolution.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, R. Allen, Adams, Abbott of Hill, Becton, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, Hughes, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison,

Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Medlock, Miller, Pierson, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Wilkinson, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller --76.

Nays--Messrs. Ellis, Slaughter—2.

So the resolution was adopted.

The Speaker announced the next business in order was the resolution of Mr. Sheriff, in regard to putting the machinery of government in order.

On motion of Mr. Sheriff, the resolution was adopted.

The Speaker announced the next business in order was the resolution of Mr. Cooper, in regard to the election of Chaplain.

Resolution read the second time.

Mr. Slaughter moved to lay the resolution on the table.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Adams, Abbott of Hill, Becton, Cox, Ellis, Hughes, Hawkins, Johnson, Jenkins, Lane, Morrison, Morris, McLean, Medlock, Miller, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Spencer, Tegener, Van Noy, Weaver of Hunt, Zapp, Zoeller—32.

Nays—Messrs. Abney, R. Allen, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, Hamilton, Haswell, Kyle, Kendall, Lacy, Leonard, Locke, Lyons, Manning, Moore, McKee of Fannin, McKee of Guadalupe, Mitchel, Posey, Pierson, Plumley, Prissick, Ross, Stirman, Stockbridge, Shelburne, Tinsley, Wilkinson, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin—48.

So the House refused to lay the resolution on the table.

Mr. Slaughter offered the following amendment:

"Which Chaplain shall remain at his home, office or church, as the case may be, and pray without ceasing from 8 A. M. to 12 M., and from 2 P. M. to 6."

Mr. Schutze moved to lay the amendment on the table.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, R. Allen, Adams, Abbott of Hill, Beckton, Booty, Cox, Grothaus, Hughes, Johnson, Jenkins, Lacy, Morrison, Morris, McLean, Miller, Rob-

inson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Spencer, Tegener, Van Noy, Weaver of Hunt, Zapp, Zoeller—32.

Nays—Messrs. Abney, Butler, Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Hamilton, Haswell, Hawkins, Kyle, Kendall, Lane, Leonard, Locke, Lyons, Manning, Moore of Harrison, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Posey, Pierson, Plumley, Prissick, Ross, Stirman, Stockbridge, Shelburne, Tinsley, Wilkinson, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin—45.

So the House refused to lay the amendment on the table.

Mr. Schutze moved a call of the House.

Call sustained.

Absentees—Messrs. Harn, Moore of Red River, Robb, Smyth.

Mr. Abbott of Austin moved that Mr. Harn be excused on account of sickness in his family.

Excused.

On motion of Mr. Tegener the House adjourned until to-morrow morning at ten o'clock.

HOUSE OF REPRESENTATIVES,
AUSTIN, May 10, 1870.

House met pursuant to adjournment.

Speaker Evans in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Adams, Butler, Ellis, Gaston, Hughes, Johnson, Mitchel, Mullins, Sinclair, Williams of Colorado, Young, Zapp.

On motion of Mr. Burley, Mr. Mullins was excused on account of sickness.

On motion of Mr. Plumley, Mr. Adams was excused on account of sickness.

Journal of yesterday read and adopted.

Mr. Posey moved that the House adjourn until two o'clock, P. M., which motion, by leave of the House, was withdrawn.

Mr. Abney presented a petition from Eviline D. Defu, of Shelby county, and George W. Thompson of San Augustine county, praying that the name of Mary Jane Thompson be changed to that of Mary Jane Defu, and that the said Mary Jane be henceforth regarded the legal heir of Eviline D. Defu.

Referred to Committee on State Affairs.

Mr. Grothaus presented a petition from citizens of DeWitt county requesting the passing of a stock law.

Referred to Committee on Agriculture and Stock Raising.

Mr. Johnson, Chairman of Committee on Public Grounds and Buildings, presented the report of Dr. James A. Corley, Superintendent of the Lunatic Asylum, and asked that two hundred copies of the report be printed and laid on the desks of the members.

It was so ordered.

Mr. Johnson, Chairman of the Committee on Public Grounds and Buildings, introduced a bill to provide for the enlarging of the old land office building, and to provide for the safe keeping of the law and miscellaneous records of the Supreme Court, also to provide a suitable room for holding court.

Bill read first time.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, offered the following report:

COMMITTEE ROOMS,
Austin, May 10, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully ex-

amined and compared House joint resolutions Nos. 3 and 4, and find the same to be correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE,
Chairman of Committee.

On motion, the report was accepted.

Mr Hughes introduced a bill to provide for the protection of the frontier.

Read first time.

Mr. Shelburne introduced a bill to regulate the registration of marriages, births and deaths.

Read first time.

Mr. Norris introduced a bill to provide for the publication of the decisions of the Supreme Court.

Read first time.

Mr. Stockbridge offered the following joint resolution:

Joint resolution to remove the mortal remains of Governor Sam Houston from the city of Huntsville to Independence, and appropriation to defray the expenses of the same.

WHEREAS, The mortal remains of Governor Sam Houston are interred in the city of Huntsville, without even a stone to mark the spot; and whenever it is the wish and intention of the surviving members of his family to remove the same to the town of Independence, that they may rest in the family cemetery, and by the side of his honored consort, and

WHEREAS, It is highly becoming and obligatory on the State of Texas, even at this late date, to pay proper respect and honor to him who was truly the father of the State. Therefore

Resolved, That a joint committee composed of five members of each house of this Legislature, and five citizens, to be selected by this committee, be appointed, whose duty it shall be to confer with the members of the family of Governor Houston, and fix some time, and superintend the removal of the remains of Governor Houston from the city of Huntsville and deposit the same in the family cemetery, as proposed by his family, and that the committee shall procure a metalic case with proper devices and inscriptions on the same, and place the body in this case preparatory to its removal.

2. *Resolved*, That it shall be the duty of this committee to contract for, superintend and cause to be built a curb stone wall of proper dimensions enclosing this cemetery, and to be erected a shaft with proper inscriptions, over the grave of Governor Houston after the removal of the body as proposed.

3. *Resolved*, That the commanding General of the 5th Military

District be requested to furnish a military guard of honor to accompany the remains during the removal of the same.

4. *Resolved*, That the sum of ten thousand (10,000) dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any money that may be in the Treasury, not otherwise appropriated, to pay the expenses of the same.

This act shall be in full force from and after the passage thereof.

C. J. STOCKBRIDGE,
Of Washington county.

Resolution read first time.

On motion of Mr. Camp, the rules were suspended to allow the second reading of the resolution.

A message was received from the Senate, announcing that the Senate had passed a concurrent resolution on mileage; also, that Senate Bill, No. 52, making an appropriation of seventy-five thousand dollars, to pay the mileage and per diem pay of officers of the Twelfth Legislature, and asking the concurrence of the House thereto.

Joint resolution offered by Mr. Stockbridge read second time.

On motion of Mr. Burley its engrossment and third reading were ordered.

Mr. Burnett moved a suspension of the rules for the consideration of the concurrent resolution and Senate Bill, received this morning.

Rules suspended.

Senate Bill, No. 52, read first time.

On motion of Mr. Morris, the rules of the House were further suspended for the second reading of the bill.

Bill read second time.

On motion of Mr. Slaughter the rules were suspended to dispense with the necessity of referring the bill to a Committee of the Whole House.

On motion of Mr. Crudup the rules were further dispensed with to put the bill on its final passage.

Bill read the third time and passed by the following vote:

Yeas—Messrs. Austin, Abney, Abbott of Austin, R. Allen, Adams, Abbott of Hill, Becton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, Hughes, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman,

Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Wilkinson, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller—81.

Nays—Mr. Johnson.

The Speaker stated to the House that concurrent resolution of the Senate, adopting a schedule of distances by which the Comptroller is to be governed in auditing the payment of mileage accounts of members of the Twelfth Legislature, had not been received, as stated in the message from the Senate.

Mr. Burnett moved that the Sergeant-at-Arms be instructed to notify the Senate of the fact.

Mr. Sinclair moved to amend by inserting "Clerk" in place of "Sergeant-at-Arms."

The amendment was adopted.

The question recurring upon the motion, as amended, it was adopted.

Mr. Haswell moved a suspension of the rules, to proceed to the business on the Speaker's table.

Rules not suspended.

The Speaker announced that the unfinished business was in order, which was upon the adoption or rejection of the amendment of Mr. Slaughter to the resolution of Mr. Cooper, in regard to the election of Chaplain.

Mr. Cooper moved that the amendment be rejected.

Mr. Slaughter moved a call of the House.

Call sustained.

Absentees—Messrs. Austin, H. R. Allen, Butler and Camp.

On motion of Mr. Harn Mr. Butler was excused on account of sickness.

On motion of Mr. Morris Mr. Young was excused on account of sickness.

Mr. Davis moved a suspension of the call.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, R. Allen, Adams, Booty, Burnett, Bonner, Chambers, Cooper, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Hughes, Harn, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Leonard, Locke, Lyons, Manning, Moore of Harrison, Morris, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Posey, Pierson, Prissick, Robb, Ross, Schlotman, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin—60.

Nays—Messrs. Abbott of Hill, Becton, Burley, Cotton, Grothaus, Lane, Morrison, McLean, Miller, Moore of Red River, Plumley, Robinson, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Spencer, Tegener, Wilkinson, Zapp, Zoeller—22.

So the call was suspended.

Mr. Grothaus moved that the House adjourn until two o'clock P. M.

Which motion, by leave of the House, was withdrawn.

The question recurring upon the motion to reject the amendment of Mr. Slaughter,

The yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, R. Allen, Adams, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Hughes, Harn, Hamilton, Haswell, Hawkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morris, McKee of Guadalupe, Mitchel, Medlock, Pierson, Plumley, Robb, Robinson, Ross, Schlotman, Stirman, Stockbridge, Shelburne, Tinsley, Van Noy, Weaver of Hunt, Wilkinson, Williams of Walker, Williams of Colorado, York, Youngkin—54.

Nays—Messrs. Austin, Abbott of Hill, Becton, Ellis, Gaston, Grothaus, Johnson, Jenkins, Morrison, Moore of Harrison, McLean, McKee of Fannin, Miller, Moore of Red River, Prissick, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Spencer, Tegener, Zapp, Zoeller—26.

So the amendment was rejected.

Mr. Slaughter offered the following substitute:

Resolved, That the Clerk of the House be instructed to procure, at as small expense as possible, a copy of a prayer from some minister, which prayer shall be republican in its form, and shall be read by the Clerk every morning, after the roll shall be called; *provided*, that any democrat afterwards repenting shall not be excluded from the benefits of said prayer.

Mr. Chambers moved to reject the substitute.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Austin, Abney, H. R. Allen, R. Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Cox, Davis, Dorris, Ellis, Gaston, Gardiner, Hughes, Harn, Hamilton, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morris, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Moore of Red River, Posey, Pierson, Plumley, Ross, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tinsley, Van Noy, Weaver of Hunt, Wil-

kinson, Williams of Walker, Williams of Colorado, York, Youngkin —58.

Nays—Messrs. Abbott of Austin, Adams, Dupree, Franks, Grothaus, Haswell, Johnson, Morrison, Moore of Harrison, McLean, Miller, Prissick, Robb, Robinson, Schlickum, Schlotman, Schutze, Simmons, Sheriff, Slaughter, Spencer, Tegener, Zapp, Zoeller—24

So the substitute was rejected.

Mr. Abney moved the previous question.

Previous question seconded.

The question then recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Austin, Abney, R. Allen, H. R. Allen, Burley, Burnet, Bonner, Chambers, Cooper, Cotton, Crudup, Cox, Cole, Camp, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Harn, Hamilton, Hawkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morris, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Posey, Pierson, Plumley, Robb, Ross, Schutze, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tinsley, Weaver of Hunt, Wilkinson, Williams of Walker, Williams of Colorado, York, Youngkin—54.

Nays—Messrs. Abbott of Austin, Adams, Abbott of Hill, Becton, Booty, Ellis, Grothaus, Hughes, Haswell, Johnson, Jenkins, Morrison, Moore of Harrison, McLean, Miller, Moore of Red River, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Simmons, Slaughter, Spencer, Tegener, Van Noy, Zapp, Zoeller—28.

So the main question was ordered.

The main question being upon the adoption of the resolution of Mr. Cooper in regard to the election of a chaplain, the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Abney, H. R. Allen, R. Allen, Becton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Gaston, Gardiner, Harn, Hamilton, Kyle, Kendall, Lacy, Leonard, Locke, Lyons, Manning, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Posey, Pierson, Plumley, Ross, Stirman, Stockbridge, Shelburne, Tinsley, Weaver of Hunt, Wilkinson, Williams of Walker, Williams of Colorado, York, Youngkin—47.

Nays—Messrs. Austin, Abbott of Austin, Adams, Abbott of Hill, Ellis, Franks, Grothaus, Hughes, Haswell, Hawkins, Johnson, Jenkins, Lane, Morrison, Moore of Harrison, Morris, McLean, Miller, Moore of Red River, Prissick, Robb, Robinson, Schlickum,

Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Spencer, Tegener, Van Noy, Zapp, Zoeller—35.

So the resolution was adopted.

Mr. Plumley moved that the House now proceed to the election of a Chaplain, and that the election be by ballot.

Carried.

Mr. Franks moved that the House now adjourn until two o'clock, P. M., to-morrow.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Abbott of Hill, Booty, Crudup, Camp, Cox, Ellis, Franks, Grothaus, Hughes, Haswell, Hawkins, Johnson, Jenkins, Locke, Morrison, Moore of Harrison, Morris, McLean, Miller, Moore of Red River, Prissick, Robb, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Simmons, Spencer, Tegener, Van Noy, Zoeller—35.

Nays—Messrs. Abney, H. R. Allen, R. Allen, Adams, Becton, Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Cole, Dupree, Davis, Dorris, Gaston, Gardiner, Harn, Hamilton, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Manning, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Posey, Pierson, Plumley, Ross, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tinsley, Weaver of Hunt, Wilkinson, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp—47.

So the House refused to adjourn.

The Speaker appointed Messrs. McLean and Tegener tellers.

Mr. Slaughter moved that the person receiving the highest number of votes be declared elected.

Lost.

Mr. Morris nominated B. A. Rogers.

Mr. Williams nominated Thomas P. Leake.

Mr. H. R. Allen nominated Elias Biddle.

Mr. Grothaus nominated Mitchel Harrison.

Mr. Chambers nominated Rev. Dr. Wilkes.

On motion of Mr. Plumley, nominations were closed.

Mr. Schutze moved that the House adjourn until two o'clock, P. M., to-morrow.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Austin, Adams, Abbott of Hill, Becton, Booty, Crudup, Cox, Ellis, Franks, Gaston, Grothaus, Hughes, Hawkins, Johnson, Jenkins, Lacy, Lane, Locke, Lyons, Manning, Morrison, Moore of Harrison, McLean, McKee of Fannin, Moore of Red River, Prissick, Robb, Robinson, Schlickum, Schlotman, Schutze,

Sheriff, Simmons, Slaughter, Shelburne, Spencer, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson, York, Zapp, Zoeller—43.

Nays—Messrs. Abney, H. R. Allen, R. Allen, Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Cole, Camp, Dupree, Davis, Dorris, Gardiner, Harn, Hamilton, Kyle, Kendall, Leonard, Morris, McKee of Guadalupe, Mitchel, Medlock, Miller, Posey, Pierson, Plumley, Ross, Sinclair, Smyth, Stirman, Stockbridge, Tinsley, Wilkinson, Williams of Walker, Williams of Colorado, Youngkin—38.

So the House adjourned until two o'clock, P. M., to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, May 11, 1870.

House met pursuant to adjournment.

Speaker Evans in the Chair.

Roll called.

Quorum present.

Absentees—Messrs. Austin, Abbott of Austin, Adams, Abbott of Hill, Ellis, Gaston, Haswell, Kendall, Miller, Moore of Red River, Posey, Robinson, Schlotman, Schutze, Spencer, Tinsley, Young, York, Zapp.

A special message was received from the Governor.

Laid over to come up in its order.

Journal of yesterday read and adopted.

Mr. Leonard moved that Mr. Ellis be excused on account of sickness.

Carried.

Mr. Johnson moved a suspension of the rules to take up the unfinished business of yesterday.

Lost.

Mr. Robb presented a petition from citizens of Angelina county against the apportionment of any of her territory toward the formation of a new county.

Referred to Committee on Counties and County Boundaries.

Mr. Zoeller presented a petition relative to a law for the protection of stock, and asked that it be referred to Committee on Agriculture and Stock Raising.

It was so ordered.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM,
Austin, Texas, May 11, 1870.

To Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined and compared House Resolution No. 7, and find the same to be correctly engrossed.

Very respectfully,

C. J. STOCKBRIDGE,
Chairman of Committee.

The report was accepted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, made the following report:

COMMITTEE ROOM,
Austin, Texas, May 11, 1870.

Hon. I. H. EVANS,
Speaker of the House of Representatives:

Your Committee on Enrolled Bills instruct me to report that they have examined House joint resolution No. three and House joint resolution No. four, and find them to be correctly enrolled.

W. G. ROBINSON,
Chairman.

The report was accepted.

Mr. Sinclair, Chairman of select committee to investigate alleged illegal sale of newspapers by officers of the House, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, May 10, 1870.

IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee to whom was referred the resolution passed by this House on the 9th inst., regarding the sale of newspapers, have the honor to report that they have had the matter under consideration, and respectfully submit the following as the result of their investigation:

It seems it was the custom during the provisional session of this body, as it has been during the present, for the postmaster to sell what he and the sergeant-at-arms call the waste papers, or refuse papers, which are left on the desks of the members, and it has been ascertained that papers thus sold have been of a very recent date, sometimes only a day or two old. They have also ascertained that among the papers sold have been many with two cent postal wrappers, duly addressed and identified by members as papers addressed by them and left on their desks for mailing. The papers sold have been paid for at the rate of five cents per pound, and the money paid to Mr. H. L. Whitney, postmaster of the House.

The Postmaster and Sergeant-at-Arms were both before the committee. The statement of the Postmaster is that he was authorized or directed, by the Sergeant-at-Arms, to sell the waste papers which accumulated in the House; and that, in accordance with this authority, he has sold papers, and divided the proceeds of said sales with the Sergeant-at-Arms, Mr. Douglass. In relation to having sold papers wrapped and addressed, he denies any knowledge of any such having been sold, or, rather, being sent down town for sale, and claims that if there were any they were put in the wrong sack by the pages, and that he knew nothing about it.

The statement of the Sergeant-at-Arms is that he did not author-

ize Mr. Whitney to sell the papers, but that he told him he could do what he pleased with them, and supposed he would sell them. He denies having received any money arising from the sale of papers, as charged by the Postmaster, but acknowledges having received some money from the Postmaster to buy cigars with.

We know of no authority by which any officer of this body could dispose of the property of members, or of the property of the House, and if there were, the recent date of papers that have been sold would indicate unwarranted haste, want of economy, and disregard for the interest of the members—to say nothing of the criminal neglect of the Postmaster—which is as mildly as it can be characterized, in including in said sales the mail of the members of this body.

There exists among the members of the House a general complaint in relation to newspapers. The publishers of the Journal claim to furnish 900 copies daily and hold receipts for that number, while members claim that they do not get, on an average, more than eight or nine copies, and sometimes not that many.

The foregoing includes all matter coming properly before the committee, by the terms of the resolution.

They ask that the same be received as their report, and that they be discharged from further consideration of the subject.

Respectfully submitted,

WM. H. SINCLAIR,
Chairman Committee.

On motion of Mr. Butler the report of the committee was received, and the committee discharged from further consideration of the subject.

Mr. Slaughter moved that the report be referred to a special committee of five, to investigate the charges made against the Postmaster and Sergeant-at-Arms, which motion, by leave of the House, was withdrawn.

On motion of Mr. Butler, the report was laid on the table.

Mr. Zapp introduced a bill relating to the creation of private corporations, their powers, duties, liability, etc.

Read first time.

Mr. Camp introduced a bill for the relief of certain parties therein named.

Read first time.

Mr. Morris introduced a bill for the relief of David M. Callahan.

Bill read first time.

Mr. Sinclair introduced a bill to incorporate the Screwmen's Benevolent Association of Galveston.

Bill read first time.

Mr. Plumley introduced a bill to incorporate the Marine and Fire Insurance Company of Galveston.

Bill read first time.

Mr. Robinson introduced a bill to establish a State police, and provide for the regulation and government of the same.

Bill read first time.

Mr. Robinson moved that one hundred copies of the bill be printed.

Lost.

A message was received from the Senate, announcing that the Senate had passed House Concurrent Resolution, No. 1, relative to mileage.

Mr. Kyle offered the following resolution :

Resolved, That the Hon. W. G. Robinson, sitting member from the Eighth Representative District, is not eligible to a seat in this House, for the following reasons, to wit :

1. Because he was not a citizen of this State two years next preceding his election.

2. Because he was not a resident of the county, nor of the district from which he was chosen, for the last year preceding his election.

3. Because, for the reasons already stated above, he is holding his seat contrary to article three, section five, of the Constitution of this State.

Resolution read first time.

On motion of Mr. Plumley the resolution was read the second time.

Mr. Morris moved the rejection of the resolution.

Upon which the yeas and nays were demanded and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Lyons, Morrison, Morris, Mullins, Schlickum, Tegener, Zoeller—10.

Nays—Messrs. Austin, Abney, Becton, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Ccle, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Grothaus, Hughes, Harn, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Manning, Moore of Harrison, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Miller, Moore of Red River, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tinsley, Van Noy, Weaver of Hunt, Wilkinson, Williams of Walker,

Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp—71.

So the motion to reject was lost.

On motion of Mr Franks the resolution was referred to the Committee on Privileges and Elections.

Mr. Simmons introduced a bill for the further assurance of titles to purchasers at tax sales.

Bill read first time.

Mr. Cole offered the following resolution:

Resolved, That hereafter this House meet at ten o'clock A. M.

Mr. Franks moved to reject the resolution, which, by leave of the House, was withdrawn.

Mr. Franks moved to amend by substituting "2:30 P. M." in the place of "10 A. M."

Amendment adopted.

The question then recurring upon the adoption of the resolution as amended, it was adopted.

Mr. Cooper introduced a bill to amend an act passed the 6th day of January, 1841, in relation to divorces and alimony.

Bill read first time.

Mr. Crudup moved a suspension of the rules to put the bill on its second reading.

Rules not suspended.

Mr. Plumley introduced a bill to re-incorporate the Washington Fire Engine Company No. 1, of the City of Austin.

Bill read first time.

Mr. Manning introduced the following joint resolution:

JOINT RESOLUTION FOR THE RELIEF OF VAN ZANDT COUNTY.

WHEREAS, the county of Van Zandt has no jail sufficient for the safe keeping of prisoners, and the courthouse is in such condition that the courts cannot be held therein, and that said county is unable to repair and rebuild said courthouse and jail therefor.

1. *Be it resolved by the Legislature of the State of Texas*, That the State tax of the county of Van Zandt be, and is hereby relinquished to said county for the term of three years from the passage of this resolution, for the purpose of repairing and rebuilding the courthouse and jail of said county.

2. That this resolution take effect and be in force from and after its passage.

Joint resolution read first time.

Mr. Youngkin introduced a bill to incorporate the town of Hallettsville, Lavaca county.

Bill read first time.

Mr. Manning introduced a bill tc incorporate the town of Canton, Van Zandt county.

Bill read first time.

Mr. Miller introduced a bill to incorporate the Belton Bridge Company.

Read first time.

Mr. Plumley introduced a bill to pay the widow and heirs of W. A. Smith, deceased, for services rendered the State.

Bill read first time.

Mr. Sinclair moved that one hundred copies of the bill introduced by Mr. Zapp be printed for the information of the members.

Carried.

Mr. Burnett offered the following resolution:

Resolved, That two hundred copies of the Civil Code for Texas, introduced in the Senate by Hon. M. H. Bowers, and ordered to be printed by that body, be printed for the use of this House.

Resolution read first time.

On motion resolution was read second time.

Mr. McLean offered the following amendment:

Amend by striking out "200" and inserting "100" copies.

Amendment lost.

Mr. Miller moved to strike out "200" and insert in the place thereof "400."

Mr. Cooper moved to amend the amendment by substituting "500" in the place of "400," upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Dupree, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Medlock, Miller, Plumley, Prissick, Robinson, Schlickum, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Wilkinson, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—42.

Nays—Messrs. Abbott of Austin, Becton, Booty, Chambers, Crudup, Cole, Cox, Davis, Dorris, Ellis, Franks, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Manning, McLean, McKee of Fannin, Moore of Red River, Pierson, Robb, Ross, Schlotman, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York—37.

So the amendment to the amendment was adopted.

Mr. Slaughter moved the previous question.

Previous question seconded.

The question then recurred, "Shall the main question be now put?"

Main question ordered.

The question being upon the adoption of the amendment as amended, it was, on motion of Mr. Franks, adopted.

The question then recurring upon the adoption of the resolution as amended, the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Dupree, Gardiner, Grothaus, Harn, Hamilton, Kendall, Locke, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Wilkinson, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—45.

Nays—Messrs. Austin, Becton, Booty, Chambers, Crudup, Cole, Cox, Davis, Dorris, Ellis, Franks, Hughes, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Manning, McLean, McKee of Fannin, Moore of Red River, Pierson, Robb, Ross, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York—38.

So the resolution, as amended, was adopted.

[Mr. Slaughter called to the Chair.]

Mr. Evans rose to a question of privilege, and said that the statement contained in the Galveston News of the 8th inst., under the heading of "Austin Correspondence," that he had attributed unworthy motives to certain members of this House, during debate, was incorrect.

Mr. Butler moved the House proceed to the transaction of the business on the Speaker's table.

Carried.

[The Speaker resumed the Chair.]

Mr. Locke moved to reconsider the vote by which the House determined to proceed to the transaction of the business on the Speaker's table.

Carried.

The question recurring upon the motion of Mr. Butler, it was lost.

Mr. Slaughter moved to suspend the rules to take up the business on the Speaker's table.

Rules suspended.

The Speaker announced the first business in order was the resolution of Mr. R. Allen to have motions, bills and resolutions, laid over under the rules, printed.

Mr. Sinclair moved to lay the resolution on the table.

Upon which the yeas and nays were demanded, and resulted as follows :

Yeas—Messrs. Austin, Abney, Abbott of Austin, Becton, Booty, Bonner, Cooper, Crudup, Cole, Camp, Cox, Davis, Dorris, Ellis, Grothaus, Hughes, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, McLean, McKee of Fannin, McKee of Guadalupe, Mullins, Medlock, Miller, Moore of Red River, Pierson, Robinson, Ross, Schlickum, Schlotman, Schutze, Simmons, Sinclair, Smith, Stirman, Shelburne, Spencer, Tegener, Van Noy, Weaver of Hunt, Wilkinson, Weaver of Johnson, Young, York, Youngkin, Zapp, Zoeller—58.

Nays—Messrs. H. R. Allen, R Allen, Butler, Burley, Cotton, Dupree, Franks, Gardiner, Hamilton, Johnson, Kendall, Morris, Mitchel, Plumley, Prissick, Slaughter, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado—20.

So the resolution was laid on the table.

The Speaker announced the next business in order was the resolution of Mr. H. Moore to have the Committee on Education report a bill to establish public schools.

On motion of Mr. Adams it was referred to the Committee on Education.

The Speaker announced the next business in order was the resolution of Mr. Hughes to have a committee appointed by the Speaker on Private Land Claims.

Mr. Morrison moved to lay the resolution on the table.

Lost.

On motion of Mr. Hughes the resolution was adopted.

The Speaker announced the next business in order was the resolution of Mr. Slaughter relative to the price to be paid for papers subscribed for by the House.

Mr. Slaughter moved the adoption of the resolution.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, R. Allen, Butler, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cox, Camp, Dupree, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stirman, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Wilkinson, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—54.

Nays—Messrs. Austin, Becton, Booty, Cole, Davis, Ellis, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean,

McKee of Fannin, Miller, Moore of Red River, Ross, Schutze, Simmons, Smyth, Shelburne, Weaver of Hunt, Weaver of Johnson, York—25.

So the resolution was adopted.

Mr. Chambers moved a suspension of the rules to allow Mr. Plumley to introduce a resolution.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Chambers, Cotton, Crudup, Cole, Dupree, Ellis, Hughes, Harn, Hamilton, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Pierson, Plumley, Prissick, Robb, Robinson, Simmons, Sinclair, Slaughter, Smyth, Stockbridge, Shelburne, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, York—52.

Nays—Messrs. Abney, R. Allen, Butler, Bonner, Cooper, Camp, Cox, Davis, Dorris, Franks, Gardiner, Grothaus, Johnson, Locke, Manning, Ross, Schlickum, Schlotman, Schutze, Sheriff, Stirman, Spencer, Tegener, Tinsley, Wilkinson, Williams of Colorado, Youngkin, Zapp, Zoeller—29.

So the rules were suspended, and Mr. Plumley moved that the resolution of Mr. Slaughter passed by the House authorizing the chairman of each standing committee to appoint a clerk be and said resolution is hereby rescinded.

Upon which the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Abbott of Hill, Becton, Booty, Chambers, Cole, Camp, Ellis, Hughes, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, McKee of Guadalupe, Moore of Red River, Plumley, Pierson, Prissick, Robb, Robinson, Ross, Schlickum, Simmons, Sinclair, Slaughter, Smyth, Spencer, Weaver of Johnson, Young, York—34.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Miller, Schlotman, Schutze, Sheriff, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Wilkinson, Weaver of Hunt, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—47.

So the motion was lost.

Mr. Locke moved to reconsider the vote by which the House decided to elect a chaplain by ballot yesterday.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Butler, Booty, Burnett, Bonner, Crudup, Cole, Camp, Cox, Franks, Gardiner, Grothaus, Hawkins, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Haraison, Morris, Mullins, Prissick, Robinson, Ross, Schlickum, Slaughter, Stockbridge, Tegener, Weaver of Johnson, Young, York, Zoeller—39.

Nays—Messrs. Allen, H. R., Allen, R., Burley, Chambers, Cooper, Cotton, Dupree, Davis, Dorris, Ellis, Hughes, Harn, Hamilton, Jenkins, Kyle, McLean, McKee of Guadalupe, Mitchel, Medlock, Miller, Moore of Red River, Pierson, Plumley, Robb, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Shelburne, Spenser, Tinsley, Van Noy, Weaver of Hunt, Wilkinson, Williams of Walker, Williams of Colorado, Youngkin, Zapp—41

So the House refused to reconsider.

Mr. Schutze asked leave to make a motion to proceed to the election of Chaplain.

Leave not granted.

The next business in order was the resolution of Mr. Sinclair, to allow officers of the House mileage.

On motion of Mr. Locke the resolution was rejected.

The Speaker then laid before the House the following communication from His Excellency Governor E. J. Davis:

EXECUTIVE OFFICE,
Austin, May 9, 1870.

To the Hon. Senate and House of Representatives of Texas:

GENTLEMEN: I herewith transmit copies of a communication from Mr. J. T. Allan, late State Treasurer, relative to the amount ($8,193 03) stated in my recent annual message to have been unaccounted for by him.

I believe from my information, that the facts as set forth in this communication from Mr. Allan are correct, and that justice entitles him to appropriate relief from your body.

Respectfully,
EDM'D J. DAVIS,
Governor.

Mr. Butler moved that the documents accompanying the communication be referred to the Committee on Comptroller's and Treasurer's Accounts.

It was so ordered.

The next business in order was House joint resolution No. seven, to remove the remains of General Sam Houston from the city of Huntsville to Independence, and making an appropriation to pay the expenses of the same.

Mr. Crudup moved a suspension of the rules to allow the appropriation mentioned in the foregoing joint resolution, to be made by joint resolution instead of by bill, as required by the rules.

Rules not suspended.

The next business in order was the third reading of House bill No. one, making an appropriation of ten thousand dollars to pay the contingent expenses of the Twelfth Legislature.

Bill read third time and passed by the following vote:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Butler, Burley, Burnett, Booty, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Hughes, Harn, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Kendal, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Miller, Moore of Red River, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Wilkinson, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—77.

Nays—Messrs. Bonner, Ellis, Slaughter—3.

The next business in order was the third reading of the House joint resolution No 1, requesting our Representatives and directing our Senators in the Congress of the United States to urge the early passage of a bill for the frontier of the State of Texas.

Joint resolution read third time and passed.

The next business in order was the third reading of House bill No. 2, making an appropriation of $75,000 to pay the per diem pay and mileage of the members and the per diem pay of the officers and employes of the Twelfth Legislature.

On motion of Mr. Morrison, the bill was laid upon the table, as a Senate bill of the same import had already been passed by the House.

The next business in order was the third reading of Senate joint resolution No. 6, authorizing certain officers to act under existing laws until further legislation.

Joint resolution read third time and passed.

The next business in order was House bill No. 7, authorizing district judges and district clerks to approve bonds of county officers in certain cases.

Bill read third time and passed.

The next business in order was the third reading of House bill No. 28, to incorporate the Allemania Association of the town of La Grange, Texas.

Bill read third time and passed.

The next business in order was the second reading of House joint resolution No. 2, in regard to advertising for proposals for stationery, &c.

Joint resolution read second time.

On motion of Mr. Morris its engrossment and third reading were ordered.

On motion of Mr. McLean Mr. Adams was granted leave of absence for thirty days.

On motion of Mr. McLean the House adjourned until 2 o'clock, P. M., to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, May 12, 1870.

House met pursuant to adjournment.

Speaker Evans in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Bonner, Shelburne and H. Moore.

Journal of yesterday read and adopted.

Mr. Slaughter gave notice that he would move that rule No. 61 be rescinded.

On motion of Mr. Kendall, Mr. Henry Moore was excused.

On motion of Mr. Lane, Mr. Shelburne was excused.

Mr. Posey moved that all members who appear as absentees on the journal of yesterday be excused.

Carried.

On motion of Mr. Davis, Mr. Bonner was excused.

The Speaker announced that Mr. Lyons had been placed on all committees of which Mr. Hill was a member.

Mr. Plumley presented a petition from P. H. Moser and others, of Galveston, relating to immigration.

Referred to Committee on Immigration.

Mr. Burnett, Chairman of the Committee on Judiciary, made the following report:

COMMITTEE ROOM,
Austin, May 12, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The Judiciary Committee, to whom was referred the bills presented by Hon. R. Crudup and Hon. J. E. Hawkins, to authorize clerks and justices to issue execution for costs, etc., have duly considered the same, and herewith report a substitute for the bills, entitled "An act to authorize the Clerks of the Supreme and District Courts and Justices of the Peace to issue executions for all costs created by parties in any suit in said courts, and to provide for the collection of the same," with a recommendation that it be passed. The substitute reported by the committee is intended to meet the requirements of section 38 of article 3 of our Constitution.

The committee have also considered the bill introduced by Hon. J. E. Hawkins, entitled "An Act to Authorize the County or Police Court of Ellis County to Levy and Collect a Special Tax," and herewith return the same, and recommend that it be passed.

Also, the committee report back, with an amendment, the bill in-

troduced by Hon. J. W. Posey, entitled "An Act for the Relief of the Heirs of General Sam Houston," and recommend that it be passed as amended.

Also, the committee have considered the petition of citizens of Aquilla county, (presented by Hon. H. W. Young,) asking that the sale of spirituous liquors be prohibited within three miles of said town, where there is a flourishing school, and the committee report herewith a bill, to be entitled "An Act to Prohibit the Sale or Otherwise Disposing of Spirituous or other Intoxicating Liquors within Three Miles of the Village of Aquilla, Hill County," and a majority of the committee recommend its passage.

Very respectfuly, etc.,

J. R. BURNETT,
Chairman of Committee.

Report received.

Mr. Burnett, Chairman of Committee on Judiciary, submitted the following report.

COMMITTEE ROOMS,
Austin, May 12, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

SIR: A majority of the Judiciary Committee have the honor to report herewith a bill to be entitled "An act to provide for the appointment by the Governor of certain officers to fill vacancies," and recommend its passage. The offices, the filling of which is provided for in the bill, are now vacant by reason of a failure to elect at the late general election held in this State, or by reason of failure of the officers elect to qualify according to law. It may be objected that the Constitution provides for the election of District Attorneys, as well as for that of some of the other officers whose appointment is provided for in the bill; but there is nothing in the Constitution prohibiting the Legislature from providing by law for the appointment by the Governor of the officers named to fill vacancies.

A majority of the Committee are of the opinion that it would be impracticable to hold an election in this State at this time, or at an early day, there being, as yet, no registration of voters provided for, and the machinery of civil government not being yet in complete operation; and other reasons might be found in the unsettled condition of many parts of the State, where we believe peace and security are not fully assured to the citizens. We have full confidence in the patriotism, integrity and judgment of the Executive, and, under all the circumstances, think it best for the interests of the people, and for the general welfare, that the vacant offices named in the bill

should be filled by appointment of his Excellency, rather than by an extraordinary election.

Very respectfully,

J. R. BURNETT,
Chairman of Committee.
J. A. ABNEY,
T. E. GROTHAUS,
F. G. FRANKS,
GEO. H. SLAUGHTER.

Report received.

Mr. Hughes and others of Committee on Judiciary made the following minority report:

COMMITTEE ROOM,
May 12, 1870.

HON. IRA H. EVANS,
Speaker House of Representatives:

The undersigned members of the Judiciary Committee, dissenting from the report of the majority upon an act entitled "An act to provide for the appointment, by the Governor, of certain officers to fill vacancies," beg leave to submit the following minority report, and recommend its adoption.

We protest against the action of the majority in this case, and against the passage of this bill, and recommend its rejection for the following reasons:

First. Because the act is unconstitutional, in that it is in strict contravention to section twelve, article five of the State Constitution, which provides that district attorneys shall be elected by the qualified voters of each judicial district.

Second. Because it robs the people of the elective franchise, and attempts to clothe the Chief Executive with power not conferred upon him by the Constitution.

Third. Because it contravenes section one, article six of the Constitution, which confers upon every male citizen of the United States "of the age of twenty-one years and upwards, not laboring under the disabilities named in this Constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this Constitution, the right to vote for all officers that are now elected by the people."

Fourth. Because the Legislature have no authority to confer upon the Governor an appointing power reserved by the people to themselves, and that any attempt to do so is subversive of republican institutions, and in violation of the Constitution of the State, which

declares "that the privilege of free suffrage shall be supported by law."

WM. E. HUGHES,
J. E. HAWKINS,
J. W. POSEY.

Report received.

Mr. Grothaus, of Committee on Judiciary, made the following minority report:

COMMITTEE ROOMS,
May 12, 1870.

To the HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Whereas, according to section two, article one, Bill of Rights of the Constitution of this State, "all freemen, when they form a social compact, have equal rights; and no man, or set of men, is entitled to exclusive separate public emoluments or privileges."

And whereas, further, in the opinion of this minority of your committee, it rests with the director or directors of any college or school that it is his or their moral obligation to prevent scholars from all dissipation;

And whereas, further, in his opinion, section forty-eight, article twelve of General Provisions, the term "immediate vicinity" is not properly defined by the majority report, the undersigned solemnly protest against the same.

Very respectfully, etc.,
F. E. GROTHAUS,
Member Judiciary Committee.

Report received.

Mr. Burnett moved that the report and bills be printed.

Carried.

Mr. Tegener, Chairman of Committee on Indian Affairs, made the following report:

COMMITTEE ROOMS,
Austin, May 12, 1870.

HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Indian Affairs, to whom was referred a bill entitled "An act to raise twenty companies of rangers to protect the lives and property of citizens living upon the frontier of the

State of Texas," beg leave to report the accompanying bill, and recommend its passage.

I am, sir,

Very respectfully,

Your obedient servant,

FRITZ TEGENER,
Chairman Committee.

Mr. Tegener moved that the report and bill be printed.

Carried.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, made the following report:

COMMITTEE ROOMS,
Austin, May 12, 1870.

To the HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined and compared House Joint Resolution No. 2, and find it correctly engrossed.

C. J. STOCKBRIDGE,
Chairman Committee on Engrossed Bills.

Report accepted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, May 12, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Enrolled Bills having carefully examined House bill No. 7, and House joint resolution No. 1, instruct me to report the same as correctly enrolled.

Very respectfully,

W. G. ROBINSON,
Chairman Committee.

Report accepted.

Mr. Butler introduced a bill to amend an act entitled an act for ceding to the United States jurisdiction of certain lands in this State for public purposes.

Bill read first time.

Mr. Slaughter offered the following resolution:

Resolved, That the Clerk of this House be instructed to purchase the requisite amount of postage stamps necessary for the use of members, and that such stamps shall be issued to members when they are called for.

Resolution read first time.

On motion resolution read second time.

On motion of Mr. Slaughter the resolution was adopted.

Mr. Morrison offered the following resolution:

Resolved, That the Speaker is hereby authorized to appoint a calendar clerk.

Resolution read first and second times.

Mr. Lane moved to amend so that it read two instead of one.

On motion of Mr. McLean the amendment was laid on the table.

Mr. Abbott, of Austin, offered the following resolution:

Resolved, That the Speaker of this House appoint a select committee of three to inquire if there is not at this time certain members now holding seats in this House who are also at this time holding appointments from the Government of the United States.

Resolution read first time.

On motion the resolution was read second time.

Mr. McLean moved to amend by adding "prohibited by the Constitution of this State."

Mr. Morrison moved to lay the amendment upon the table.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Franks, Harn, Kendall, Morrison, Mullins, Pierson, Robinson, Slaughter, Stockbridge, Spencer, Tegener—11.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Butler, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Ellis, Gaston, Gardiner, Grothaus, Hughes, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morris, McLean, McKee of Fannin, McKee of Guadalupe, John Mitchel, Medlock, Miller, Moore, Posey, Plumley, Prissick, Robb, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Tinsley, Van Noy, Weaver of Hunt, Wilkinson, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Zapp, Zoeller—70.

So the House refused to lay the amendment on the table.

The question recurring upon the adoption of the amendment, it was adopted.

Mr. Robinson offered the following substitute:

Resolved, That the case of each individual member, beginning alphabetically, shall be referred to the Committee on Elections and Privileges, who are instructed to examine and report as to the eligibility of each, under the new Constitution.

On motion of Mr. Williams, of Colorado, the substitute was laid on the table.

Mr. Slaughter offered the following resolution:

Resolved, That the following shall hereafter constitute one of the rules of this House:

RULE 79. The Clerk of the House shall, in every instance, enter upon the journals the names of parties calling for the ayes and nays.

Resolution read first time.

On motion, it was read the second time.

On motion of Mr. Manning the resolution was adopted.

Mr. Ellis offered the following resolution:

WHEREAS, The precedent established by this House declaring that member elected who received the next highest number of votes to the one considered ineligible, is a wrong, dangerous and unconstitutional one; therefore, be it

Resolved, That whenever any member holding a certificate of election shall be deprived of his seat in consequence of charges of fraud, intimidation, or from whatever cause, the office shall be considered vacated, and an election held to fill the same.

Be it further resolved, That whenever the seat of any member of this House is contested, he shall not be deprived of the same until he shall have had time sufficient to procure all necessary evidence in his favor.

Mr. Franks moved to reject the resolution.

Upon which the yeas and nays were demanded, and resulted as follows:

Yeas—Messrs. Abney, Allen R, Butler, Burley, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Hamilton, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sinclair, Slaughter, Stirman, Stockbridge, Spencer, Tegener, Van Noy, Wilkinson, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp, Zoeller—47.

Nays—Messrs. Austin, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Chambers, Crudup, Cole, Cox, Ellis, Gaston, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Posey, Prissick, Robb, Ross, Sheriff, Simmons, Smyth, Tinsley, Weaver of Hunt, Weaver of Johnson, Young—35.

So the resolution was rejected.

Mr. Kyle offered the following resolution:

WHEREAS, At the organization of the House, and election of its officers, members from all parts of the State suddenly brought together and required to vote in such elections of officers, were necessarily compelled to do so without any personal knowledge whatever of the moral character or fitness of the candidates: and

Whereas, Developments recently made have shown the moral unfitness of two of the officers of the House for any position of trust; and that a further continuance of those men in office, by this body, is calculated very justly to cover the whole body with grave suspicions in regard to the purity of its members; therefore,

Resolved, That George P. Douglas, Sergeant-at-Arms, and W. H. Whitney, Postmaster, be and they are hereby removed from office, and their places declared vacant.

Mr. Williams, of Colorado, moved to reject the resolution, which motion, by leave of the House, was withdrawn.

Mr. Crudup moved to lay the resolution on the table.

Upon which the yeas and nays were demanded by Messrs. Kyle, Jenkins and Richard Allen, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Butler, Burley, Booty, Burnett, Cooper, Cotton, Crudup, Camp, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Haswell, Kendall, Manning, Morrison, Morris, McLean, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stirman, Stockbridge, Spencer, Tinsley, Van Noy, Wilkinson, Williams of Walker, Young. York, Zapp—50.

Nays—Messrs. Abney, Chambers, Cole, Cox, Ellis, Gaston, Hughes, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, McKee of Fannin, McKee of Guadalupe, Miller, Posey, Simmons, Sinclair, Smyth, Tegener, Weaver of Johnson, Williams of Colorado, Youngkin, Zoeller—29.

So the resolution was laid on the table.

Mr Franks offered the following resolution:

Resolved, That any member sleeping during session hours shall forfeit his per diem.

On motion of Mr. Crudup the resolution was laid on the table.

Mr. Schutze introduced a bill to define the duties and powers of justices of the peace, and regulate the proceedings in justice's courts.

Read first time.

Mr. Franks offered the following resolution:

Resolved, That all members, whose names appear among the absentees, may appear either in person or by any member of the House, at any time before the journals are adopted, and rendering a sufficient excuse, shall not forfeit their per diem.

On motion of Mr. Dorris the resolution was laid on the table.

Mr. Johnson introduced a bill to incorporate the Jefferson Western Railroad Company and to provide for the same.

Read first time.

Mr. Dorris introduced a bill to prevent unlawful intercourse between the sexes.

Bill read first time.

Mr. Johnson moved that 1,000 copies of the same be printed, which motion, by leave of the House, was withdrawn.

Mr. Burnett offered the following resolution:

Resolved, That Rule 24 shall hereafter read as follows:

"Rule 24. No bill shall be amended until it shall have been twice read; but it may be committed on its first reading."

Resolution read first time.

Mr. Burnett moved a suspension of the rules, requiring a days' notice being given upon the proposal to change any rule.

Rules not suspended.

Mr. Pierson introduced the following joint resolution:

Joint resolution for the relief of Upshur county.

WHEREAS, The court house in Upshur county is in such a delapidated condition that it is entirely insufficient for the courts to be held therein; therefore,

SEC. 1. *Be it resolved by the Legislature of the State of Texas*, That the State tax of the county of Upshur be and the same is hereby relinquished to said county for the term of two years from the passage of this resolution, for the purpose of building a court house in said county.

SEC. 2. That this resolution take effect and be in force from and after its passage.

Joint resolution read first time.

Mr. Zoeller introduced the following joint resolution:

JOINT RESOLUTION FOR THE RELIEF OF KENDALL COUNTY.

WHEREAS, The county of Kendall has no jail for the safe keeping of prisoners, and has but lately commenced to build a courthouse, which will involve the county into considerable debt; therefore,

Be it resolved by the Legislature of the State of Texas, That the State tax of the county of Kendall be, and it hereby is, relinquished to said county for the term of two years from the passage of this resolution, for the purpose of completing the courthouse and building of a jail for said county of Kendall.

That this resolution take effect from and after its passage.

Joint resolution read first time.

Mr. Sheriff introduced a bill for the relief of Fort Bend county.

Bill read first time.

Mr. Chambers introduced the following joint resolution:

JOINT RESOLUTION FOR THE RELIEF OF LIBERTY COUNTY.

WHEREAS, The county of Liberty has no jail sufficient for the safe keeping of prisoners, and said county is unable to build a jail; therefore,

1. *Be it resolved by the Legislature of the State of Texas*, That the State tax of the county of Liberty be, and is hereby, relinquished to said county for the term of three years from the passage of this resolution, for the purpose of building a jail for said county.

2. *Resolved further*, That this resolution take effect from and after its passage.

Joint resolution read first time.

Mr. Plumley offered the following resolution:

Resolved, That the Committee on Finance be, and said committee is hereby instructed to inquire into the expediency of awarding pensions to the survivors of the war of 1835 and 1836, between Texas and Mexico, and to report by bill to this House, if the awarding of such pensions shall be deemed expedient, and in what amounts, and to what persons.

Resolution read first time.

On motion, the resolution was read the second time.

On motion of Mr. Morris, the resolution was adopted,

Mr. Richard Allen moved a suspension of the rules to allow the House to proceed with unfinished business.

Lost.

Mr. Slaughter moved a suspension of the rules to proceed to the business on the Speaker's table.

Carried.

House Joint Resolution, No. 2, in regard to authorizing the Chief Clerk to advertise for proposals for stationery, for the use of both houses, was read third time, and on motion of Mr. Morris it was passed.

House Bill, No. 4, entitled "An Act supplementary to an act for the collection of taxes, extending the time for redeeming property sold for taxes since January 1, 1861," was read second time, and on motion of Mr. Slaughter it was referred to Committee on Judiciary.

House Bill, No. 5, entitled "An Act to permit persons of color and parties interested to testify," was read second time, and on motion of Mr. Crudup it was referred to the Judiciary Committee.

House Bill, No. 16, entitled "An Act to incorporate the Magnolia Grove Association," was read second time, and on motion of Mr. Plumley it was ordered to be engrossed and read third time.

Mr. Jo. Abbott moved a suspension of the rules to allow Mr. Crudup to introduce a resolution.

Lost.

House bill No. twenty-nine, entitled "An act to provide for the enrollment of the militia," was read second time, and on motion of Mr. Butler it was referred to the Committee on Militia.

House bill No. thirty-one, entitled "An Act making an appropriation to erect a monument to the memory of General Sam Houston," was read second time, and on motion of Mr. Butler it was referred to the Committee on State Affairs.

Mr. Slaughter moved a suspension of the rules to allow him to introduce a resolution.

Rules suspended, and the following resolution introduced:

Resolved, That the Governor be requested to furnish this House with the correspondence relating to the claim of Geo. W. Paschal against the State for legal services.

Resolution read first time.

On motion it was read second time.

On motion of Mr. Tegener, it was adopted.

House bill No 38, entitled "An Act to Authorize the Governor to Order an Election of County Officers in the Counties of Navarro and Milam," was read second time, and, on motion of Mr. Wilkinson, it was referred to the Committee on State Affairs.

On motion of Mr. Grothaus, the House adjourned until 2:30 o'clock to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, May 13, 1870.

House met pursuant to adjournment.

Roll called. Quorum present.

Absentees—Messrs. Austin, H. R. Allen, Bonner, McKee of Fannin, Shelburne.

On motion of Mr. Richard Allen, H. R. Allen was excused on account of sickness.

On motion of Mr. Lane, Mr. Shelburne was excused on account of sickness.

On motion of Mr. Posey, Messrs. Austin and McKee of Fannin were excused on account of sickness.

On motion of Mr. Davis, Mr. Bonner was excused on account of sickness.

Mr. Robinson, Chairman of Committee on Enrolled Bills, made the following report:

COMMITTEE ROOM,
May 13, 1870.

HON. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Enrolled Bills have carefully examined House bill No 1, and concurrent resolution instructing the Comptroller to audit mileage account, in conformity with schedule, and find the same to be correctly enrolled.

W. G. ROBINSON,
Chairman.

Report accepted.

Journal of yesterday read and adopted.

Mr. Plumley moved a suspension of the rules to allow the immediate consideration of the resolution of Mr. Burnett, introduced yesterday, to change rule No. 24.

Rules suspended. Resolution read second time.

On motion of Mr. Tegener, the resolution was adopted.

The Speaker announced the following as Committee on Land Claims:

Abney, Chairman; C. L. Abbott, Robinson, Hughes, Cole.

The Speaker appointed Mr. Spencer a member of the Committees on Indian Affairs, and Agriculture and Stock Raising.

Mr. Locke presented a petition for the relief of P. Anderson, late District Attorney Fourth Judicial District.

Petition referred to Committee on Claims and Accounts.

Mr. Grothaus presented a memorial from citizens of Indianola,

Calhoun county, asking that certain lands belonging to the public domain be granted for the purpose of erecting a city hospital, house of correction, city poor-house, and public free school.

Memorial referred to Committee on State Affairs.

Mr. Schlickum presented a memorial from citizens of Medina county, to levy a special tax.

Memorial referred to Committee on State Affairs.

Mr. Hughes presented a petition from Mr. J. Eliot, County Judge of Navarro county, asking an election of county officers for Navarro county.

Mr. Morrison moved to lay the petition on the table.

Upon which the yeas and nays were demanded by Messrs. Hughes, Jenkins and Leonard, and resulted as follows:

Yeas—Allen Richard, Burley, Burnett, Cotton, Davis, Franks, Grothaus, Haswell, Kendall, Locke, Lyons, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Prissick, Robinson, Schlickum, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Wilkinson, Zoeller—29.

Nays—Abbot of Austin, Abney, Abbott of Hill, Becton, Butler, Booty, Chambers, Cooper, Crudup, Cole, Camp, Cox, Dupree, Dorris, Ellis, Gardiner, Hughes, Harn, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, J. F. McKee, Miller, Posey, Pierson, Robb, Ross, Schlotman, Schutze, Simmons, Sinclair, Smyth, Stirman, Spencer, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp—47.

So the House refused to lay the petition on the table.

Mr. Morris moved to reject the petition, upon which the yeas and nays were demanded by Messrs. Kyle, Ellis and Miller, and resulted as follows:

Yeas—Messrs. R. Allen, Burley, Cotton, Dupree, Davis, Dorris, Franks, Grothaus, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Wilkinson, Young, Zoeller—33.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Burnett, Chambers, Cooper, Crudup, Cole, Camp, Cox, Ellis, Gardiner, Hughes, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Ross, Schutze, Simmons, Sinclair, Smyth, Stirman, Spencer, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Zapp—45.

So the motion to reject the petition was lost.

On motion of Mr. Sinclair, it was referred to Committee on State Affairs.

Mr Morris presented a memorial from the Mayor and Aldermen of the city of Jefferson, soliciting aid for the erection of a city hospital in Jefferson.

Mr. Abbott of Austin moved to lay the memorial on the table. Lost.

Mr. McLean moved to reject the memorial. Lost.

Mr. Robinson moved to refer the memorial to Committee on Finance. Lost.

Mr. Abney moved that the Speaker be authorized to refer it to the committee by him deemed appropriate. Carried.

The memorial was referred to Committee on State Affairs.

Mr. Abney moved a suspension of the rules to allow Mr. Slaughter to introduce a resolution. Lost.

Mr. Sinclair, Chairman of Committee on Education, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 13, 1870.

To Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Education, to whom was referred a bill to prohibit the sale of intoxicating liquors within three miles of Whitesboro Academy, Grayson county, Texas, beg leave to report the accompanying bill as a substitute for the one referred to them, and recommend its passage.

Respectfully,
WM. H. SINCLAIR,
Chairman Committee on Education.

Report received.

Mr. Sinclair, Chairman of Committee on Education, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 13, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Education, to whom was referred the petition of citizens of Sulphur Bluff, Hopkins county, Texas, asking that the sale of intoxicating liquors be prohibited within five miles

of that place, beg leave to report the accompanying bill as a substitute for the bill referred to them, and recommend its passage.

Respectfully,

WM. H. SINCLAIR,
Chairman Committee on Education.

Report received.

Mr. Sinclair, Chairman of Committee on Education, submitted the following report:

COMMITTEE ROOM,
Austin, May 13, 1870.

To HON. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Education, to whom was referred a petition of the citizens of Hill county, asking that the sale of intoxicating liquors be prohibited within two and a half miles of Towash school house, Hill county, beg leave to report the accompanying bill as a substitute for the bill referred to them, and recommend its passage. Respectfully,

WM. H. SINCLAIR,
Chairman of Committee on Education.

Report received.

Mr. Sinclair, Chairman of Committee on Education, submitted the following report:

COMMITTEE ROOM,
Austin, May 13, 1870.

To HON. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Education, to whom was referred a petition from the citizens of Trinity county, asking that the sale of intoxicating liquors be prohibited within five miles of Pennington College, Trinity county, Texas, and the said college be incorporated, beg leave to present the accompanying bills as substitutes for the bill referred to them, and recommend their passage.

Respectfully,

WM. H. SINCLAIR,
Chairman Committee on Education.

Report received.

Mr. Schutze, Chairman of Committee on State Affairs, made the following report:

COMMITTEE ROOM,
Austin, May 13, 1870.

To HON. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on State Affairs, to whom was referred a

bill entitled, "An Act to incorporate the Galveston Bay Dredging Company," beg leave to return the same to your honorable body, and recommend its passage.

Very respectfully,

JULIUS SCHUTZE,
Chairman of Committee.

Report received.

Mr. Schutze, Chairman of Committee on State Affairs, made the following report:

COMMITTEE ROOM,
Austin, May 13, 1870.

To HON. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on State Affairs, to whom was referred a bill entitled, "An Act to incorporate the Firemen's Insurance Company of Galveston," have carefully examined the same, and recommend that it may be passed by your honorable body.

Very respectfully,

JULIUS SCHUTZE,
Chairman of Committee.

Report received.

Mr. Cooper, Chairman of the Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, May 13, 1870.

To Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee upon Counties and County Boundaries, to whom was referred the petition of some of the citizens of the counties of Bexar and Medina, presented by the Hon. F. Schlickum, praying for a change of county line between said counties of Bexar and Medina, have had the same under consideration, and, after a full investigation as to the merits of said prayer, have the honor to report the following:

The county of Bexar contains something over fourteen hundred registered voters, and the county of Medina something over two hundred voters, and the line desired to be changed would cut off about sixty voters from Bexar to Medina; the line now is the natural boundary of the Medina river. To run it as prayed for, would make Medina county nearly if not quite square, and cut off a gore or slope from Bexar.

Castroville, the county seat of Medina county, is located on Medina river, near the line of Bexar county, and many voters and citizens who reside in Bexar county are compelled to travel nearly

thirty miles to get to San Antonio, their county site, when, if the line was changed, they could get to the county seat, Castroville, in from two to ten miles.

Therefore a majority of your committee, believing it is but justice to the parties petitioning, to change the said line, we herewith report a bill to that effect, and ask that it be passed.

L. W. COOPER,
Chairman,
YORK,
KYLE,
MILLER,
BONNER.

Mr. Locke moved to reject the report. Lost.

Report received.

Mr. Locke introduced a bill to incorporate the Irving Literary Society of San Antonio, Texas.

Referred to Committee on Commerce and Manufactures.

Mr. Slaughter offered the following resolution:

Resolved, That the Speaker of the House shall, upon the introduction of any petition, memorial, or bill, refer the same to its appropriate committee, unless the mover of the bill, petition or memorial, as the case may be, shall ask its reference to some particular committee; in which case, if any objection is made, the vote of the House shall be taken. Resolution read first and second time.

On motion of Mr. Cooper it was adopted.

Mr. Medlock introduced the following joint resolution:

JOINT RESOLUTION FOR THE RELIEF OF LIMESTONE COUNTY.

Be it resolved by the Legislature of the State of Texas, That the State of Texas does hereby release and donate to the county of Limestone all State taxes that may be assessed on the property or persons of said county for four years from the passage of this resolution, for the purpose of enabling said county to build a jail, there being now no jail in said county.

Resolved, That this resolution take effect and be in force from and after its passage.

Joint resolution read first time.

Mr. Camp offered the following resolution:

Resolved, That whereas, many counties in this State are destitute of suitable public buildings for the holding of courts or safe keeping of prisoners; and

WHEREAS, From reasons beyond the control of such counties, have up to the present time been unable to erect such buildings; and

WHEREAS, The fact is apparent that the members of this body representing such counties are asking the retention of the State tax, for the purpose of erecting such buildings; therefore,

Be it Resolved, That the Committee on State Affairs be requested to inquire into the expediency of reporting a general bill, to the end that general relief may be had from such destitute counties, if in the opinion of said committee the condition of the State will justify such policy, and that they report by bill or otherwise, at their earliest convenience, the result of their deliberations.

Resolution read first and second times.

On motion of Mr. Morris, the resolution was adopted.

Mr. Sheriff introduced a bill entitled "An act to incorporate the Relief Dramatic Club of Richmond, Fort Bend county."

Bill referred to Committee on State Affairs.

Mr. Zoeller offered the following resolution:

Resolved, That the Judiciary Committee be instructed to divide the State into convenient land districts, consulting thereby with the Commissioner of the General Land Office, and thus create the office of district surveyor for the several districts, who shall be appointed by the Governor, upon the recommendation of the General Land Commissioner, until the next general election.

And resolved further, That the said Judiciary Committee be also instructed to report, by bill or otherwise, such laws and measures as the committee may think proper, in order to carry out such office of district surveyor.

Read first and second times.

On motion of Mr. Tegener the resolution was adopted.

Mr. Cooper introduced a bill to define fornication, and fine for the same.

Bill read first time.

Mr. Locke introduced a bill to extend the time for the location of certain land certificates.

Referred to Committee on Public Lands and Land Office.

Mr. Smyth introduced a bill donating public land to actual settlers thereon.

Read first time.

Mr. Ellis offered the following resolution:

WHEREAS, It is currently reported that Hon. J. P. Butler, representative from the fifteenth district, now holds an appointment under the Federal Government; and

WHEREAS, Section nine, article twelve, of the general provisions of the constitution, prohibits a member of the Legislature from holding any lucrative office under the United States Government; therefore,

Resolved, That a committee of three be appointed, with power to send for persons and papers, and report upon the eligibility of Hon. J. P. Butler to a seat in the Twelfth Legislature.

Resolution read first time.

Mr. Franks moved to reject the resolution, upon which the yeas and nays were demanded by Messrs. Kyle, Leonard and Ellis, and resulted as follows:

Yeas—Messrs. R. Allen, Dupree, Davis, Franks, Grothaus, Harn, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Mullins, Robinson, Schlickum, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Youngkin, Zoeller—22.

Nays—Messrs. Abney, Abbott of Austin, Abbott of Hill, Becton, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, Gardiner, Hughes, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Manning, Morris, McLean, McKee of Guadalupe, Mitchel, Medlock, Miller, Moore, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stillman, Weaver of Hunt, Wilkinson, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Zapp—59.

So the motion to reject was lost.

Resolution read second time.

Mr. Slaughter offered the following amendment:

Strike out all after "resolved," and insert, "the Committee on Privileges and Elections are instructed to investigate the case."

On motion of Mr. Grothaus, the amendment was adopted.

The question recurring upon the adoption of the resolution as amended, it was adopted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, May 13, 1870.

Hon. I. H. EVANS,
Speaker of the House of Representatives:

Your Committee on Enrolled Bills have examined House bill No. 28 and find it to be correctly enrolled.

W. C. ROBINSON, Chairman.

Report accepted.

Mr. Schutze introduced a bill to regulate the registration of certain instruments of writing authorized or required to be recorded.

Bill read first time and referred to Committee on Judiciary.

Mr. Leonard introduced a bill for the relief of actual settlers on public domain, under act of March 12, 1866. Bill read first time.

Mr. Tegener offered the following resolution:

Be it resolved, That copies of the Austin State Journal and San Antonio Freie Presse furnished to members of the House before the passage of the resolution ordering copies of said papers to each member of the House, be paid at the rate of eight cents per copy.

Resolution read first and second times.

On motion of Mr. Locke, the resolution was adopted.

Mr. Camp introduced a bill for the relief of the Texas and New Orleans Railroad Company, and to protect them in the enjoyment of their rights.

Bill read first time and referred to Committee on Internal Improvements.

Mr. Williams introduced a bill to define the qualifications of Supreme and District Judges, District Attorneys, etc.

Bill read first time and referred to Committee on Judiciary.

Mr. Zapp introduced a bill to punish persons who sell intoxicating liquors, ammunition and fire-arms to minors.

Bill read first time and referred to Committee on Judiciary.

Mr. Slaughter offered the following concurrent resolution:

WHEREAS, There has been no legal or authorized Legislature in this State since that known as the Eighth Legislature; therefore be it

Resolved, That this body shall be known as and styled the "Ninth Legislature of the State of Texas."

Concurrent resolution read first and second times.

On motion of Mr. Butler the consideration of the concurrent resolution was deferred until Tuesday next, at 3:30 P. M.; then be considered by committee of the whole House.

Mr. Haswell introduced a bill to incorporate the Texas Mutual Life Insurance Company.

Bill read first time and referred to Committee on State Affairs.

Mr. Lane introduced a bill to provide for elections to fill vacancies existing in the Senatorial and Representative Districts.

Bill read first time and referred to Committee on State Affairs.

Mr. Cole offered the following resolution:

Resolved, That the chairman of every committee be required to notify all the members of the committee of which he is chairman, when and where his committee is to meet.

Resolution read first and second times.

On motion, it was adopted.

Mr. Zoeller offered the following resolution:

WHEREAS, There is no provision made in the new Constitution of this State for the office of a County Treasurer; therefore be it

Resolved, That the Judiciary Committee be instructed to inquire

into and report upon the propriety of creating the office of a County Treasurer for the different counties of this State.

Resolution read first and second times.

On motion of Mr. Butler it was referred to Committee on Judiciary.

Mr. Schlotman introduced a bill to repeal "An Act establishing a general apprentice law and defining the obligations of master, or mistress, and apprentice."

Bill read first time.

Mr. Wilkinson introduced a bill to regulate the venue of suits against railroad companies.

Bill read first time.

Mr. Grothaus introduced a bill to dispose of certain flats adjacent to tide-way in Matagorda Bay, Calhoun county.

Bill read first time and referred to Committee on Public Lands and Land Office.

Mr. Butler offered the following resolution:

Resolved, That a committee of three be appointed to wait upon the Hon. A. Bledsoe, State Comptroller, and ascertain his reasons, if any, for refusing to obey the law for the payment of mileage recently passed by the Legislature.

Resolution read first and second time.

On motion of Mr. Tegener it was adopted.

The Speaker announced Messrs. Morris, R. Allen and McLean as committee.

Mr. Plumley introduced a bill to provide for the incorporation of members of the bar in Texas.

Bill read first time, and referred to Committee on Judiciary.

Mr. Manning introduced a bill to require the assessment of property to be rendered in the county where the same may be situated.

Bill read first time, and referred to the Committee on Finance.

Mr. Haswell introduced a bill to regulate the registration of voters.

Bill read first time and referred to the Committee on Judiciary.

Mr. Sinclair moved a suspension of the rules, to allow the House to proceed to the transaction of business on the Speaker's table.

Rules suspended.

Mr. Dorris was excused from attendance until Monday next.

The following message was received from His Excellency Governor E. J. Davis:

EXECUTIVE OFFICE,
Austin, May 13, 1870.

Honorable Senate and House of Representatives of Texas:

GENTLEMEN: I think it necessary to call your attention to the

apparent necessity of an act declaring the number by which the present Legislature is to be designated.

If all bodies sitting in this State during the late war, and terming themselves "Legislatures," are to be connected, then this is the twelfth in number. The Constitution, however, in section thirty-three, article twelve (General Provisions), declares that the "Legislatures which sat in the State of Texas from the 18th day of March, A. D. 1861, until the 6th day of August, A. D. 1866, had no "constitutional authority" to make laws binding upon the people of the State of Texas.

The Legislature in being on the 18th day of March, 1861, was the eighth, and the two following not being of "constitutional authority," cannot be numbered, which makes the "Provisional" Legislature (assembled on 6th August, A. D. 1866,) the ninth in order, and consequently the present Legislature must be termed the "tenth."

The proper settlement of this question now may hereafter be of considerable importance in legal effect.

Respectfully,

EDM'D J. DAVIS,
Governor.

On motion of Mr. Butler, the message was referred to Committee of the Whole House, at 3:30 P. M., on Tuesday next.

On motion of Mr. Butler, the House adjourned until 2:30 P. M., on Monday next.

HOUSE OF REPRESENTATIVES,
AUSTIN, May 16, 1870.

House met pursuant to adjournment.

Roll called.

Quorum present.

Absentees—Messrs. Abney, Chambers, Davis, Ellis, Lyons, Mc Kee of Fannin, Simmons, Wilkinson and Zapp.

On motion of Mr. Plumley, the reading of the journal for Friday, May 13, was dispensed with.

Messrs. Wilkinson, Simmons, McKee of Fannin, Abney and Davis, were excused from attendance on account of illness.

Mr. Morrison, Chairman of Committee on Militia, submitted the following report:

COMMITTEE ROOM,
Austin, May 14, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The committee to whom was referred "An act to provide for the enrollment of the Militia," have had the same under consideration and beg leave to report the same back to the House and recommend the adoption of the same, with the following amendment, to-wit: In section twenty-two read "fifteen dollars" instead of "five dollars."

Respectfully,

JOHN H. MORRISON,
Chairman of Committee on Militia.
WM. H. SINCLAIR,
W. G. ROBINSON,
AD. ZOELLER,
M. KENDAL.

Mr. Booty and others of Committee on Militia, submitted the following minority report:

COMMITTEE ROOMS,
Austin, May 16, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

SIR: The undersigned, members of your committee to which was referred a bill entitled "An act to provide for the enrollment of the Militia, the organization and discipline of the State Guards, and for the public defense," dissenting from the majority report of said committee, respectfully beg leave to submit the following minority report.

Said bill should not, in our opinion, be passed into a law for the following reasons, to-wit:

1. Because said bill places in the hands of the Governor a degree of power not compatible with the genius of a republican government, by allowing him, as provided in the third section of said bill, to reject any applicant for admission into the State Guard at his pleasure; by allowing him to appoint and commission, unadvised and unrestrained by any other power or authority, as provided for in section seven of said bill, all the general, field, company and staff officers, to command the military organizations to be created by said bill; and because, in all cases where the officers to be created are required to give bond, the amount of bond to be given is left wholly to the determination of the Governor.

2. Because section twenty-six of said bill, authorizing the Governor in certain emergencies to suspend the laws in any county or counties in this State is in plain and palpable violation of section ten of Bill of Rights, which says: "The privileges of the writ of habeas corpus shall not be suspended, except by act of Legislature, in case of rebellion or invasion, when the public safety may require it." And because the same section, wherein it provides that the expense of maintaining the military force to be stationed in such county or counties where the laws are so suspended, may, in whole or in part, in the discretion of the Governor, be assessed upon the people of the county or counties where the laws are so suspended, is in violation of section nineteen, article twelve, of the State Constitution, which provides that taxation shall be equal and uniform. The same section is in contravention of section twenty-eight, article twelve, of the State Constitution, in that it bestows on the Governor the power to appoint officers to assess and collect taxes for the maintenance of the military force occupying the county or counties where the laws are suspended, whereas said twenty-eighth section, article twelve, makes it the duty of Justices of the Peace to assess the property in their respective precincts under such laws as shall be enacted by the Legislature, and the duty of the Sheriffs of the several counties to collect the taxes so assessed.

3. Section twenty-seven of said bill, authorizing the Governor to appoint officers, who are to constitute courts martial and military commissioners for the trial and punishment of offenders in the county or counties where the laws may be suspended, as provided in section twenty-six of said bill, is in direct violation of section eight of the Bill of Rights, which provides that in all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. The same section is also in violation of section sixteen, Bill of Rights, which provides that "no citizen of this State shall be deprived of life,

liberty, etc., except by due course of the law of the land." Also, in violation of section seventeen, Bill of Rights, which provides that "the military shall at all times be subordinate to the civil authority." Said section is also in violation of the plain language of section seventeen, article five, of the Constitution, which provides that a "felony shall only be tried upon an indictment found by a grand jury, and that offenses of a less grade may be prosecuted on complaint, etc., and the party so prosecuted shall have the right of trial by a jury to be summoned in such manner as may be prescribed by law."

4. It is our sincere and deliberate conviction that the enactment of rigid laws upon the subject of crime, and their rigid enforcement by an able and sound judiciary, will be an appropriate and sufficient remedy for the evils that afflict the country; and in support of our belief in the suitability of the judicial arm of the State to suppress lawlessness and vice, to purify society and induce universal respect for law, we call attention to page 57, Report of Attorney General, which says: There has been a greater respect for human life, and much less of the shedding of blood during 1869 than during the previous year. And it may not be unreasonable to suppose that the executions which have taken place since the commencement of 1868, have had their influence, as there have been more persons executed within the State by authority of law than ever before during twice or thrice the same period of time."

We have unwavering confidence that the Governor, who has been long in Texas, and has therefore a thorough knowledge of the lawyers of the State, who is himself a lawyer of unquestioned learning, and upon whose shoulders have rested, and with honor too, we are told, the judicial ermine, will nominate, and that the Senate will confirm an able and sound judiciary, and that the courts of the country, aided by such assistance as may be derived from a militia organization, built upon a basis less gigantic than that contemplated by this bill, and made subject to the call and control of the sheriffs of the various counties for local purposes, and to be subject to the call of the Governor during invasion or rebellion, will meet all the ends and accomplish all the objects of good government, even in those portions of the State where there is the greatest tendency to disrespect for law and order.

A. J. BOOTY,
W. B. STIRMAN,
A. F. LEONARD.

Mr. Morrison moved a suspension of the rules to take into consideration the bill just reported back from the Judiciary Committee.

Upon which the yeas and nays were demanded by Messrs. Morrison, Schutze and Burnett, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Haswell, Johnson, Jenkins, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchell, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zoeller—54.

Nays—Messrs. Austin, Abbott of Hill, Booty, Cole, Gaston, Hughes, Hawkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Posey, Robb, Ross, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—22.

So the rules were suspended.

On motion of Mr. Schutze the amendment as recommended by the Committee on Militia, was adopted.

[Mr. Camp called to the chair.]

Mr. Evans offered the following amendment:

After the word "therein," on line five, in section twenty-six, insert: "until the Legislature shall convene and take such action as it may deem necessary."

On motion of Mr. Morrison, the amendment was adopted.

[The Speaker resumed the chair.]

Mr. Schutze moved the previous question.

Previous question seconded.

The question then recurred, "Shall the main question be now put?" Main question ordered.

Mr. Slaughter moved a reconsideration of the vote ordering the main question.

Upon which the yeas and nays were demanded by Messrs. Schutze, Hughes and Locke, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Butler, Burley, Booty, Cooper, Cotton, Cole, Camp, Cox, Dupree, Dorris, Franks, Gaston, Gardiner, Hughes, Harn, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Manning, Morrison, Moore of Harrison, McLean, McKee of Fannin, McKee of Guadalupe, Mitchell, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schlotman, Slaughter, Smyth, Stirman, Shelburne, Spencer, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, York, Youngkin—53.

Nays—Messrs. Abbott of Hill, H. R. Allen, R. Allen, Burnett, Bonner, Crudup, Davis, Grothaus, Johnson, Kendall, Locke, Morris,

Mullins, Medlock, Robinson, Schlickum, Schutze, Sheriff, Stockbridge, Tegener, Tinsley, Williams of Colorado, Zoeller—23.

So the vote was reconsidered.

Mr. Hughes moved that the reports, together with the bill, be referred to a committee of the whole House on Friday next at ten o'clock, A. M., upon which the yeas and nays were demanded by Messrs. Hughes, Leonard and Jenkins, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Booty, Cole, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Pierson, Robb, Ross, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—23.

Nays—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore of Red River, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Posey, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zoeller—53.

So the motion was lost.

Mr. Robinson moved that the bill be engrossed and passed to its third reading.

Upon which the yeas and nays were demanded by Messrs. Hughes, Leonard and Lacy, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendall, Locke, Manning, Morris, Moore of Harrison, McKee of Guadalupe, Morrison, Mitchell, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zoeller—53.

Nays—Messrs. Austin, Abbott, of Hill, Becton, Booty, Cole, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Posey, Robb, Ross, Smyth, Stirman, Shelburne, Weaver, of Hunt, Weaver, of Johnson—23.

So the bill was ordered to be engrossed and read the third time.

Mr. Slaughter moved that the use of the House be granted next Thursday night for the purpose of giving a ball.

Upon which the yeas and nays were demanded by Messrs. Cox, Ross and Lacy, and resulted as follows:

Yeas—Messrs. Austin, Abbott, of Austin, H. R. Allen, Allen, R.

Abbott, of Hill, Becton, Burley, Cotton, Crudup, Camp, Davis, Franks, Gardiner, Grothaus, Harn, Hamilton, Moore, of Harrison, Mitchell, Mullins, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Van Noy, Young, York, Youngkin, Zoeller—36.

Nays—Messrs. Butler, Booty, Burnett, Bonner, Cooper, Cole, Cox, Dupree, Dorris, Gaston, Hughes, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Manning, Morrison, Morris, McLean, McKee, of Fannin, Medlock, Miller, Moore, of Red River, Pierson, Ross, Smyth, Stirman, Shelburne, Spencer, Tinsley, Weaver, of Hunt, Williams, of Walker, Weaver, of Johnson, Williams, of Colorado—39.

So the motion was lost.

On motion of Mr. Lane the House adjourned until to-morrow morning at nine o'clock.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, May 17, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Absentees—Messrs. Abney, Chambers, Crudup, Harn, Hawkins, Moore of Red River, Simmons, Spencer, Wilkinson and Zapp.

Messrs. Hawkins, Spencer, Wilkinson, Simmons, Crudup, Moore of Red River, and Abney, were excused on account of illness.

On motion of Mr. Plumley the reading of the journal for yesterday was dispensed with.

The Speaker laid before the House the resignation of Mr. R. A. Henderson as First Assistant Clerk.

On motion of Mr. Sinclair the resignation of Mr. Henderson was accepted.

Mr. Schutze moved that the House now proceed to the election of First Assistant Clerk. Carried.

Mr. Burnett nominated Mr. Ed. N. Ketchum.

On motion of Mr. Sinclair Mr. Ed. N. Ketchum was elected First Assistant Clerk by acclamation.

On motion of Mr. Schutze the rules were suspended to allow him to offer the following resolution:

Resolved, That the Clerk of the House be and is hereby instructed to issue certificates for the payment of the per diem of the officers and employes of the House of Representatives, as follows: To the Chief Clerk and his assistants; to the Engrossing and Enrolling Clerks; to the several committee clerks eight dollars per diem for each; to the Sergeant-at-Arms and his assistants, each eight dollars per diem; to the Doorkeeper and his assistants, each eight dollars per diem; to the Postmaster eight dollars per diem; to the Porters, Messengers and employes, each four dollars per diem.

Resolution read first and second times.

Mr. Sinclair moved that the resolution be amended so that committee clerks receive six instead of eight dollars per diem; which motion, by leave of the House, was withdrawn.

Mr. Schutze moved the previous question. Previous question seconded.

The question then recurred, "Shall the main question be now put?" Main question ordered.

The question being upon the adoption of the resolution offered by Mr. Schutze, the yeas and nays were demanded by Messrs. Hughes, Kyle and Leonard, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Allen, H. R., Allen, R, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Grothaus, Gardiner, Hamilton, Haswell, Johnson, Kendall, Lacy, Leonard, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Posey, Pierson, Plumley, Prissick, Robb, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zoeller—53.

Nays—Messrs. Abbott of Hill, Becton, Booty, Bonner, Cole, Ellis, Gaston, Hughes, Jenkins, Kyle, Lane, Leonard, McLean, McKee of Fannin, Ross, Smyth, Shelburne, Weaver of Hunt, Weaver of Johnson—19.

So the resolution was adopted.

Mr. McKee, of Guadalupe, offered a petition signed by forty-six members of the House, requesting the Speaker to discharge the Postmaster of the House for improper conduct.

The Speaker announced that, as the majority of the members had signed the petition, the Postmaster was discharged from the present time.

Mr. McKee, of Guadalupe, Chairman of the Committee on Claims and Accounts, offered the following report:

COMMITTEE ROOM,
Austin, Texas, May 16, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Claims and Accounts, to whom was referred the petition of Theophilus Anderson, late District Attorney of the Fourth Judicial District of the State of Texas, praying for relief, have had the same under consideration, and most respectfully ask to make the following report:

Your committee finds upon examination that the State of Texas is due the said Theophilus Anderson one hundred and fifty dollars for representing the State of Texas in six habeas corpus cases in the years 1867 and 1868, as District Attorney in said Judicial District, and the correctness of the six several cases have all been certified to by the District Judge then presiding. Wherefore we herewith present a bill for the relief of the said Theophilus Anderson, and ask that it pass.

J. F. McKEE,
Chairman.

Report accepted.

Mr. Stockbridge, chairman of Committee on Engrossed Bills, offered the following report:

COMMITTEE ROOM,
Austin, Texas, May 17, 1870.

To the HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined and compared a bill entitled "An Act to incorporate the Magnolia Grove Association of Galveston," and find the same correctly engrossed.

Very respectfully,
C. J. STOCKBRIDGE,
Chairman Committee on Engrossed Bills.

Report accepted.

Mr. Schutze, chairman of Committee on State Affairs, offered the following report:

COMMITTEE ROOM,
Austin, May 16, 1870.

To the HON. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred a bill entitled "An Act to incorporate the Odd Fellows Hall and Building Association of Texas," beg leave to return the same to your honorable body, recommending its passage.

Very respectfully,
J. SCHUTZE,
Chairman Committee.

Mr. Schutze moved a suspension of the rules for the second reading of the report and bill to incorporate the Odd Fellows Building Association. Rules not suspended.

Mr. Locke, chairman of Committee on Agriculture and Stock Raising, offered the following report:

COMMITTEE ROOMS,
May 16, 1870.

HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee, to whom was referred a bill entitled "An Act for the relief of the East Texas Agricultural and Mechanics' Association," have had the same under consideration, and report the bill back amended, and recommend its passage.

Respectfully,
W. J. LOCKE,
Chairman Committee.

Report received.

Mr. Burnett introduced a bill to be entitled "An Act to provide for the revision of the public and general laws of the State of Texas.

Bill read first time and referred to Judiciary Committee.

Mr. Robinson introduced a bill entitled "An Act extending to the Assignees of Buffalo Bayou, Brazos and Colorado Railroad Company further time for the location of Land Scrip heretofore issued to it for construction of its track." Bill read first time.

Mr. Abbott, of Hill, moved to reject the bill. Lost.

Mr. Robinson moved that the bill be referred to the Committee on Public Lands and Land Office. Lost.

On motion of Mr. Hughes, the bill was referred to the Judiciary Committee.

Mr. Leonard offered the following resolution:

Resolved, That all members of this House who were on their way to Austin in time to have arrived at Austin on the 26th of April, and were detained on account of high water or sickness, be allowed to draw per diem from the 26th day of April, 1870.

Resolution read first and second time.

On motion of Mr. Sinclair, the resolution was adopted.

Mr. Morrison offered the following joint resolution:

WHEREAS, The Congress of the United States has declared that military officers cannot draw pay for civil services and, at the same time, receive salaries for the performance of their military duties; and,

WHEREAS, Brevet Colonel N. A. M. Dudley, U. S. A., by his efficient management, skillful control and economical administration of the affairs of the State Penitentiary, has saved thousands of dollars, thus making an institution which has heretofore been a burden upon the taxpayers of the State self-sustaining and a source of revenue; therefore be it

Resolved, That the salary of the Superintendent of the State Penitentiary, from the date of Colonel Dudley's appointment to such position by the Brevet Major General commanding Fifth Military District, be and the same is hereby awarded to the wife of Colonel Dudley, as an earnest of the appreciation of his services to the State.

Joint resolution read first time and referred to Committee on Penitentiary.

Mr. Franks introduced a bill entitled "An Act to Establish a System of Registration."

Bill read first time and referred to Committee on Privileges and Elections.

Mr. Grothaus introduced a bill entitled "An Act to Reorganize the city of Indianola, in Calhoun county."

Bill read first time and referred to Committee on Town and City Corporations.

Mr. Slaughter offered the following resolution:

Resolved, That the clerk of the House be instructed to subscribe for five copies, for each member of this House, of the Houston Daily Union.

Resolution read first and second times.

Mr. Ellis moved to reject the resolution, upon which the yeas and nays were demanded by Messrs. Jenkins, Ellis and Lacy, and resulted as follows:

Yeas—Messrs Austin, Abbott of Hill, Becton, Booty, Cole, Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Leonard, Miller, Robb, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—20.

Nays—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Cox, Dupree, Davis, Dorris, Franks, Grothaus, Hamilton, Johnson, Kendall, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Posey, Pierson, Plumley, Prissick, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zoeller—52.

So the motion to reject was lost.

Mr. Butler moved the previous question. Previous question seconded.

The question then recurred "Shall the main question be now put?" Main question ordered.

The main question being upon the adoption of the resolution offered by Mr. Slaughter, the yeas and nays were demanded by Messrs. Hughes, Jenkins and Leonard, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Hamilton, Johnson, Kendall, Locke, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, Youngkin, Zoeller—49.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Cole, Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Manning, McKee of Fannin, Miller, Posey, Robb, Ross, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—25.

So the resolution was adopted.

Mr. McLean moved to reconsider the vote by which the resolution was adopted.

Mr. Slaughter moved to lay the motion to reconsider on the table.

Upon which the yeas and nays were demanded by Messrs. Weaver of Hunt, Becton and Kyle, and resulted as follows:

Yeas—Messrs. H. R. Allen, R. Allen, Abbott of Hill, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Hamilton, Johnson, Jenkins, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zoeller—51.

Nays—Messrs. Austin, Abbott of Austin, Becton, Booty, Cole, Ellis, Gaston, Grothaus, Hawkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Posey, Robb, Ross, Smyth, Shelburne, Weaver of Hunt, Weaver of Johnson—23.

So the motion to reconsider was laid on the table.

On motion of Mr. Slaughter Mr. Harn was excused from attendance on account of sickness in his family.

Mr. Sinclair moved that the rules be suspended to take from the Speaker's table the bill introduced by Mr. Zapp, regulating the creation of private corporations, their powers, duties, liabilities, etc.

Rules suspended.

Mr. Sinclair moved that the bill be referred to the Judiciary Committee.

It was so ordered.

Mr. Cooper offered the following resolution:

Resolved, That we accept the invitation tendered this body by the President of the State Fair, and that a committee to consist of three members of this House, be appointed to represent this body at said fair, which convenes in the city of Houston this day, and that the expenses of said committee be paid out of the contingent fund.

Mr. Hawkins moved to reject the resolution. Lost.

Mr. Sinclair offered the following substitute:

WHEREAS, At an informal meeting of the majority of the members of this House, on Saturday last, the Speaker was authorized to appoint a committee of three to attend the fair at Houston, on the invitation of the President thereof; and

Whereas, at said informal meeting the Speaker appointed Messrs. Zapp and Chambers a committee to attend said fair, in accordance with said informal action, therefore be it

Resolved, That the action of our Speaker is cordially approved;

that leave of absence be granted Messrs. Zapp and Chambers for ten days, and that their expenses be paid out of the contingent fund of this house.

Mr. Morrison moved the adoption of the substitute, upon which the yeas and nays were demanded by Messrs. Sinclair, Ellis and Pierson, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Franks, Gardiner, Grothaus, Hamilton, Johnson, Kendall, Lane, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlotman, Schutze, Schlickum, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zoeller—47.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Cole, Cox, Dorris, Ellis, Gaston, Hughes, Hawkins, Kyle, Lacy, Leonard, McKee of Fannin, Miller, Posey, Pierson, Robb, Ross, Smyth, Stirman, Shelburne, Spencer, Weaver of Hunt, Weaver of Johnson—27.

So the substitute was adopted.

Mr Cooper introduced a bill entitled "An Act to amend Articles 389 and 390 of the Penal Code."

Bill read first time, and referred to the Committee on Judiciary.

Mr. Cox introduced a bill entitled "An Act making an appropriation to pay certain bonds."

Bill read first time, and referred to Committee on Judiciary.

Mr. Slaughter moved that the special order of the day, which was ordered at 3:30 P. M., be postponed until 10:30 A. M. on Monday next. Carried.

Mr. Posey offered the following resolution:

Resolved, That the use of this hall be granted Mr. Perkins for lecturing purposes on Wednesday evening.

On motion the resolution was read second time.

On motion of Mr. Posey the resolution was adopted.

Mr. Butler moved to reconsider the vote by which the House refused to grant the use of the Representative Hall on Thursday evening for the purpose of giving a ball.

Mr. B. F. Williams moved to lay the motion to reconsider on the table.

Pending the motion, the House, on motion of Mr. Schutze, adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, May 18, 1870.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called. Quorum present.

Absentees—Messrs. Butler, Simmons, Grothaus and Wilkinson.

Messrs. Young, Grothaus and Wilkinson were excused from attendance on account of illness.

On motion of Mr. Plumley, the reading of the journal of yesterday was dispensed with.

On motion of Mr. Sinclair, Mr. Butler was excused indefinitely from attending roll call on account of sickness.

Mr. McKee of Guadalupe, Chairman of Committee on Printing and Contingent Expenses, made the following report:

COMMITTEE ROOM,
Austin, May 16, 1870.

To HON. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Contingent Expenses have carefully examined the following accounts and find them correct, and ask they be paid.

C. L. ABBOTT,
Chairman.

Bill of Baker & Raymond	$74 55
Bill of A. B. Palm	105 00
Bill of A. B. Palm	150 00
Bill of S. B. Brush	5 05
Bill of Sutor & Hirshfeld	8 75
Bill of Jack Birch	2 25
Bill of Ezra Williams	1 00
Bill of Sampson & Henricks	17 50
Bill of Slocum & Thompson	348 35
Bill of Alex. Hollins	4 50
Bill of Miles Byrne	33 50
Bill of W. H. Gaynor	3 00

On motion of Mr. Plumley the report was adopted and the bills ordered to be paid.

Mr. Crudup introduced a bill entitled "An Act to amend sections two and seven of 'An Act to incorporate the Waco Bridge Company.'"

Bill read first time.

Mr. Crudup moved a suspension of the rules to put the bill on its second reading.

Rules not suspended.

Bill referred to Committee on Roads, Bridges and Ferries.

Mr. Abbott, of Austin, introduced a bill entitled "An Act to incorporate the Richmond Bridge Company."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Weaver, of Hunt, introduced a bill entitled "An Act to incorporate the town of Greenville, in Hunt county."

Bill read first time and referred to Committee on Town and City Corporations.

Mr. Cooper introduced a bill entitled "An Act to amend article 648 of the Code of Criminal Procedure."

Bill read first time and referred to Judiciary Committee.

Mr. Plumley introduced a bill entitled "An Act to incorporate the Galveston Insurance Company."

Bill read first time and referred to Committee on Commerce and Manufactures.

Mr. Jenkins introduced a bill entitled "An Act to remit the State taxes for the years 1870 and 1871 to Coryell county."

Bill read first time and referred to Committee on Finance."

Mr. Prissick introduced a bill entitled "An Act for the establishment of Public Schools."

Bill read first time and referred to Committee on Education.

Mr. Sinclair introduced a bill entitled "An Act to provide for a digest of the criminal laws of the State of Texas.

Bill read first time and referred to Judiciary Committee.

Mr. Cooper introduced a bill entitled "An Act to repeal 'An Act to amend articles 757 and 766 of the Penal Code.'"

Bill read first time and referred to Judiciary Committee.

Mr. Crudup offered the following resolution:

Resolved, That the chief clerk be instructed to procure for each member of this House one "map of the State of Texas."

Resolution read first and second times.

On motion of Mr. Cooper, the resolution was adopted.

Mr Austin introduced a bill entitled "An Act to Provide against Fraud and Intimidation in Elections."

Bill read first time and referred to the Committee on Privileges and Elections.

Mr. Leonard offered the following resolution:

WHEREAS, the Democratic and Conservative members of this Legislature have not time to read, nor do they feel disposed to circulate the Houston Union and San Antonio Free Press, furnished

them by this House, and forced upon them by the majority; therefore, be it

Resolved, That they be only required to take ten copies of the Daily State Journal, and that the money that would be expended for the first named papers be permitted to remain in the Treasury.

A. F. LEONARD,
E. S. ROBB,
JO. ABBOTT,
T. E. ROSS,
B. S SHELBURNE,
J. R. COLE,
J. W. LANE,
H. C. ELLIS,
J. C. WEAVER,
A. J. BOOTY,
S. S. WEAVER,
J. C. JENKINS,
F. KYLE,
JOHN P. AUSTIN,
E. P. BECTON,
B. B. LACY,
W. B. STIRMAN,
W. P. McLEAN,
J. E. HAWKINS,
J. W. POSEY,
J. T. SMYTH.

Resolution read first and second times.

Mr. Sinclair moved to reject the resolution.

The yeas and nays being demanded by Messrs. Abbott of Hill, Shelburne and Ross, stood:

Yeas—Messrs. Allen, H. R., Allen, Richard, Burley, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Franks, Gardiner, Grothaus, Hamilton, Johnson, Locke, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Youngkin, Zoeller—39.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Booty, Bonner, Crudup, Cole, Cox, Dorris, Ellis, Gaston, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Manning, McLean, McKee of Fannin, Moore of Red River, Posey, Pierson, Robb, Ross, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—37.

So the resolution was rejected.

Mr. Grothaus offered the following resolution:

Resolved, That the Speaker be requested to dispose of all bills which have not been referred to the proper committees under the former rules of this House, and now lie on the Speaker's table, by referring the same to the appropriate committees of this House.

Resolution read first and second times.

On motion of Mr. Camp the resolution was adopted.

Mr. Lane offered the following resolution:

WHEREAS, It is deemed important to have one or more branches of the Penitentiary for the accommodation of convicts and convenience of the State; therefore,

Resolved, That the Committee on Penitentiary be instructed to investigate, and report by bill or otherwise.

Resolution read first and second times.

On motion of Mr. Camp the resolution was adopted.

Mr. Crudup introduced a bill entitled "An Act to incorporate Waco Lodge No. 92, of Ancient Free and Accepted Masons."

Bill read first time and referred to Committee on State Affairs.

Mr. Lane moved a suspension of the rules to proceed to the transaction of the business on the Speaker's table. Carried.

On motion of Mr. McLean, House joint resolution No. 7, in regard to removing the remains of Governor Sam. Houston from Huntsville to Independence, was referred to Committee on State Affairs.

Mr. Plumley (by leave) offered the following amendment to House bill No. 16, entitled "An Act to incorporate the Magnolia Grove Association:

Add to section seventeen: "It shall be the duty of said corporation to keep an accurate record of all interments in said cemetery, stating the nativity, age, occupation, cause of death and time of death of the person to be buried; and no interment shall be made in said cemetery without the certificate of some physician, of the cause of death and the fact thereof."

On motion of Mr. Sinclair the amendment was adopted.

On motion of Mr. Plumley the rules were suspended to dispense with the full reading of the bill.

Bill read third time and passed.

House bill No. three, entitled "An Act to Raise Twenty Companies of Rangers to Protect the Lives and Property of Citizens Living on the Frontier of Texas."

On motion of Mr. Hughes, the reading was dispensed with, and bill referred to the Judiciary Committee.

House bill No. 17, entitled "An Act to Incorporate the Jewish Congregation, B'Nai Israel, of Galveston."

Bill read second time, and on motion of Mr. Plumley its engrossment and third reading were ordered.

A message was received from the Senate, announcing that the Senate had passed bills Nos. 56 and 74, and asked the concurrence of the House thereto.

House bill No. 19, entitled "An Act to Incorporate Pennington College," reported from Committee on Education.

Report adopted, and bill read second time.

On motion of Mr. Cooper, its engrossment and third reading were ordered.

On motion of Mr. Sinclair, the rules were suspended, to take from the table a bill to authorize clerks of District Courts to issue executions for costs, which was reported back by committee with substitute.

Report read and substitute adopted.

Bill read second time.

On motion of Mr. Burnett, the bill was ordered to be engrossed and passed to third reading.

House bill No. 26, entitled "An Act to Incorporate the Galveston Bay Dredging Company," with report accompanying the same from Committee on State Affairs.

Report adopted and bill read second time.

On motion of Mr. Plumley, the bill was ordered to be engrossed and read the third time.

Mr. Abbott, of Hill, moved that the House adjourn until nine o'clock A. M. to-morrow. Lost.

House bill No. 41, entitled "An Act to incorporate the Odd Fellows Hall and Building Association of Texas," with report accompanying the same from Committee on State Affairs.

On motion of Mr. Cooper, the report was adopted.

Bill read second time. Engrossment and third reading ordered.

On motion of Mr. Haswell, the House adjourned until nine o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, May 19, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Absentees—Messrs. Moore of Red River, and Simmons.

Journal of yesterday read and adopted.

The Speaker announced that in accordance with a resolution adopted yesterday, the bills and joint resolutions on his table are referred to standing committees of the House as follows:

To the Judiciary Committee:

A bill to discontinue the county courts and provide for the disposition of the business pending therein.

A bill to regulate the publication of legal notices.

A bill to incorporate the Gulf Lands Company of Galveston.

A bill to regulate and provide for the compounding, dispensing and sale of drugs, medicines and poisons.

A bill to amend an act passed the twenty-sixth day of August, 1866, to establish a code of criminal procedure.

A bill to provide for the assessing and collecting of an alien tax.

A bill to provide for the publication of the decisions of the Supreme Court.

A bill to regulate the registration of marriages, births and deaths.

A bill to re-incorporate the Marine and Fire Insurance Company.

A bill for the further assurance of titles of purchasers at tax sales.

A bill to amend an act passed the sixth day of January, 1841, in relation to divorces and alimony.

A bill to incorporate the Belton Bridge Company.

A bill to define the duties and powers of justices of the peace, and to regulate the proceedings in justices' courts.

A bill to prevent unlawful intercourse between the sexes.

A bill to define fornication and punish for the same.

A bill to repeal an act establishing a general apprentice law, and defining the obligations of master or mistress and apprentice.

A bill to regulate the venue of suits against railroad companies.

To Committee on Internal Improvements:

A bill to incorporate the Jefferson Gas Light Company.

A bill granting to the Galveston Wharf Company the right to make railroad connections with their wharves and the Galveston, Houston and Henderson Railroad.

A bill to incorporate the Jefferson Western Railroad Company, and provide for the same.

To Committee on Education:

House Joint Resolution No. 6, forbidding the use of the public lands or public domain belonging to the school fund in any other manner than for the education of the people.

To Committee on Commerce and Manufactures:

A bill to incorporate the Lake City Cotton and Wool Manufacturing Company.

A bill reviving the act incorporating the Galveston Dry Dock Company, and subsequent laws in relation thereto.

To Committee on State Affairs:

House Joint Resolution No. 5, relative to the removal of Dr. Baker, Superintendent of the Blind Asylum, and for the appointment of a successor.

A bill to incorporate the Screwman's Benevolent Association of Galveston.

To Committee on Public Lands and Land Office:

A bill for the relief of actual settlers on public domain under an act of November 12, 1866.

A bill donating public land to actual settlers thereon.

To Committee on Agriculture and Stock Raising:

A bill to incorporate the Agricultural and Mechanical Association of Northeastern Texas.

To Committee on Indian Affairs:

A bill to provide for the protection of the frontier.

To Committee on Militia:

A bill to establish a State Police, and provide for the regulation and government of the same.

To Committee on Counties and County Boundaries:

Joint Resolution No. 12, for the relief of Limestone county.

Joint Resolution No. 8, for the relief of Van Zandt county.

Joint Resolution No. 9, for the relief of Upshur county, to build a courthouse therein.

Joint Resolution No. 10, for the relief of Kendall county.

Joint Resolution No. 11, for the relief of Liberty county.

A bill for the relief of Fort Bend county.

To Committee on Town and City Corporations:

A bill to incorporate the Washington Fire Engine Company No. 1, of the city of Austin.

A bill to incorporate the town of Hallettsville, Lavaca county.

A bill to incorporate the town of Canton, Van Zandt county.

To Committee on Claims and Accounts:

A bill for the relief of certain parties therein named.

A bill to pay the widow and heirs of W. A. Smith, deceased, for services rendered the State.

To Committee on Public Buildings and Grounds:

A bill for repairing and enlarging the old land office building, and to provide for the safe keeping of the law and miscellaneous records.

To Committee on Private Land Claims:

A bill to relinquish the title and to confirm the patents to certain lands therein named.

A bill for the relief of David M. Callahan.

Mr. Camp presented the petition of citizens of Refugio county, asking the passage of a law authorizing the county authorities to levy a tax for the transcribing of county records.

Referred to Committee on State Affairs.

Mr. Weaver presented a petition from citizens of Hood county, for donation of land for county seat purposes.

Referred to Judiciary Committee.

Mr. Sinclair presented a petition from the citizens of Galveston county, asking the passage of a law to define the territorial jurisdiction of Justices of the Peace within the limits of incorporated cities.

Referred to Judiciary Committee.

Mr. McKee, of Fannin, presented a petition for the relief of John R. Davis and Isham I. Davis.

Referred to Committee on Private Land Claims.

Mr. Plumley, chairman of Committee on Commerce and Manufactures, made the following report:

COMMITTEE ROOM,
Austin, May 19, 1870.

HON. IRA H. EVANS,
Speaker of the House of Representatives:

MR. SPEAKER: The Committee on Commerce and Manufactures, to whom was referred "A Bill to incorporate the Irving Literary Society of San Antonio, Texas," direct me to report said bill, without amendments, and recommend its passage.

Respectfully, PLUMLEY,
Chairman of Committee on Commerce and Manufactures.

Report received and bill laid over to come up in its regular order.

Mr. Plumley, chairman of Committee on Commerce and Manufactures, made the following report:

COMMITTEE ROOM,
Austin, May 19, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

MR. SPEAKER: The Committee on Commerce and Manufactures, to whom was referred "A Bill to incorporate the Galveston Insu-

rance Company," direct me to report said bill, without amendment, and recommend its passage.

Respectfully, PLUMLEY,
Chairman of Committee on Commerce and Manufactures.

Report received, and bill laid over to come up in its regular order.

Mr. Johnson, chairman of Committee on Public Buildings and Grounds, presented three accounts against the State for repairs.

Referred to Committee on Contingent Expenses.

Mr. Stockbridge, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOMS,
Austin, May 19, 1870.

HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills have examined and compared House bill No. 29, and find the same to be correctly engrossed.

Very respectfully,
C. J. STOCKBRIDGE,
Chairman of Committee.

Report received.

Mr. Abney, chairman Committee to Examine Controller's and Treasurer's Offices, submitted the following report and joint resolution:

COMMITTEE ROOMS, May 19, A. D., 1870.

Committee to Examine Controller's and Treasurer's Offices:

Your committee, after a full investigation, find from the proofs adduced before them that the Hon. John T. Allan, late State Treasurer, has been robbed of $6,960 10, funds in his charge, which were kept by him in a safe in the Treasury, and that he has paid part of the above amount, to-wit: $81 02 out of his own money, in order to make a full settlement of the county tax account. They are also satisfied that there was no want of due diligence on his part.

Your committee, on full proofs, are satisfied that he is not in morals, and could not in law, be held responsible for this and the other smaller amounts with which he has not yet been credited. Hence they conceive it to be their duty not to report a relief bill, but, instead thereof, the accompanying joint resolution, directing a settlement with him in accordance with right and justice.

ABNEY,
Chairman.

A JOINT RESOLUTION AUTHORIZING AND REQUIRING A SETTLEMENT OF ACCOUNTS OF THE LATE STATE TREASURER, AND REFUNDING A BALANCE ASCERTAINED TO BE DUE HIM.

Be it resolved by the Legislature of the State of Texas, That whereas it has been made apparent by the proofs adduced that the sum of six thousand nine hundred and sixty dollars and ten cents ($6,960 10) was stolen from a safe in the Treasury, between the twenty-first and twenty-third days of December last, inclusive, without any negligence or want of due care on the part of the Hon. John T. Allan, late Treasurer, who has used proper exertions, but in vain, to discover by whom the money was stolen, and to recover the same, and who, in order to obtain a full settlement of the county tax account, has paid into the Treasury, out of his own money, eighty-one dollars and two cents ($81 02) to replace the amount belonging to county taxes, included in the above sum stolen which ought to be refunded to him. And whereas, he has by proofs conclusive in their nature, accounted for the sum of one thousand dollars ($1000) paid by him to Provisional Governor Pease, and ordered to be paid by the Major General commanding. And has further produced satisfactory proofs as to two hundred and fourteen dollars ($214) counterfeit currency, and ninety-nine dollars and ninety-five cents ($99 95) mutilated currency, with which amounts he ought to be credited. That the Comptroller and the Treasurer are hereby authorized and required by this joint resolution (which is to take effect from its passage,) to settle with him in accordance therewith, crediting him with the sums aforesaid, and cause the sum of eighty-one dollars and two cents ($81 02), which is the balance declared to be due him on a final settlement, to be refunded to him, for which appropriation is hereby made.

Report received and joint resolution read first time.

Mr. Crudup introduced a bill entitled, "An Act to Incorporate the Aquilla Bridge Company."

Bill read first time, and referred to Committee on Roads, Bridges and Ferries.

Mr. Kyle introduced a bill entitled "An Act to Remit the State Taxes for the Years 1870, and 1871 to the County of Hays."

Bill read first time, and referred to the Committee on Finance.

Mr. Franks offered the following resolution:

Resolved, That, whereas many counties are now, through their Representatives, making application to this body for a release of taxes, which taxes if relinquished would greatly affect the finances of the Treasury:

Therefore be it resolved, That each and every member presenting a petition for release of taxes, as aforesaid, shall forfeit his per diem and mileage.

Mr. Sinclair offered the following substitute:

WHEREAS, Innumerable bills are being introduced for the release of taxes during the next two years,

Therefore resolved, That all State taxes be remitted for the next two years and donated to the counties.

Mr. Slaughter moved to lay the substitute and resolution on the table. It was so ordered.

Mr. Tegener introduced a bill entitled "An Act to Incorporate the Fire Association of the City of San Antonio."

Bill read first time, and referred to Committee on Town and City Corporations.

Mr. Cole introduced a bill entitled "An Act Concerning the University Lands."

Bill referred to Committee on Public Lands and Land Office.

Mr. Abbott, of Austin, introduced a bill entitled "An Act to Promote and Encourage Manufacturing in the State of Texas."

Bill read first time, and referred to Committee on Commerce and Manufactures.

Mr. Crudup introduced a bill entitled "An Act to Incorporate the Waco Insurance Company."

Bill read first time, and referred to Judiciary Committee.

Mr. Stirman introduced a bill entitled "An Act to Authorize the Police Court of Henderson County to Levy and Collect a Special Tax."

Bill read first time and referred to Judiciary Committee.

Mr. Sinclair introduced a bill entitled "An Act to Incorporate the Texas Harbor Improvement and Dock Company."

Bill read first time, and referred to Committee on Commerce and Manufactures.

Mr. Abbott, of Hill, introduced a bill entitled "An Act to Authorize G. W. B. T. Davis to Erect a Toll Bridge over Pin Oak Creek, in Navarro County."

Bill read first time, and referred to Committee on Roads, Bridges and Ferries.

Mr. Sheriff introduced a bill entitled "An Act to Authorize the Construction of a Ship Channel from Bolivar Point to the City of Houston."

Bill read first time, and referred to Committee on Internal Improvements.

Mr. Beeton introduced a bill entitled "An Act to Provide for the

Distribution of Money now in the State Treasury which is Due the Several Counties."

Bill read first time, and referred to the Committee on Finance.

Mr. Cooper introduced the following resolution:

Resolved, That the Committee on Internal Improvements inquire into the practicability of clearing the Trinity and Neches rivers of all obstructions to the navigation of the same, and report by bill, or otherwise, at the earliest day practicable.

Resolution read first and second times.

Mr. Abney moved to amend by inserting after the word "Neches," "and Saline and Sabine." Amendment adopted.

The resolution, as amended, was adopted.

Mr. Jenkins introduced a bill entitled "An Act supplementary to 'An Act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856.'"

Bill read first time and referred to Judiciary Committee.

Mr. Williams, of Walker, introduced a bill entitled "An Act requiring the Superintendent of the Penitentiary to set apart and enclose a suitable ground for the burial of convicts."

Bill read first time and referred to Committee on Penitentiary.

Mr. Franks introduced a bill entitled "An Act providing for the removal and appointment of certain officers in the State of Texas."

Bill read first time and referred to Committee on Privileges and Elections.

Mr. Butler introduced a bill entitled "An Act authorizing the construction of a branch penitentiary."

Bill read first time and referred to Committee on Penitentiary.

On motion of Mr. Tegener the rules were suspended to take up the bill entitled "An Act to provide for the protection of the frontier of the State of Texas."

Bill read second time.

On motion of Mr. Burnett the consideration of the bill was made the special order of the House for ten o'clock, to-morrow.

Mr. Grothaus introduced a bill entitled "An Act to provide for the printing expenses of this Legislature."

Bill read first time and referred to Committee on Finance.

Mr. Schutze rose to a question of privilege, and read an article from the Houston Union, of May 17, relative to himself. The Speaker decided the matter not a privileged question.

Messrs. Schutze and Slaughter appealed from the decision of the Chair.

The question being whether the decision of the Chair should be sustained or not, the yeas and nays were demanded by Messrs. Schutze, Robinson and Slaughter, and stood:

Yeas—Messrs. Abney, Abbott of Austin, R. Allen, Burnett, Bonner, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Johnson, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Pierson, Plumley, Prissick, Schlotman, Sinclair, Stirman, Stockbridge, Spencer, Tinsley, Weaver of Hunt, York, Youngkin—39.

Nays—Messrs. Austin, Abbott of Hill, Becton, Butler, Booty, Cole, Ellis, Gaston, Hughes, Hamilton, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Miller, Posey, Robb, Robinson, Ross, Schlickum, Schutze, Sheriff, Slaughter, Smyth, Shelburne, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Zoeller—33.

So the decision of the chair was sustained.

On motion of Mr. Cocper, Mr. Schutze was permitted to explain.

Mr. Schutze offered the following resolution:

Resolved, That the subscription of this House to the Daily Houston Union be and is hereby discontinued.

Resolution read first time.

Mr. Slaughter made the point of order that the resolution was out of order, as the resolution virtually was a reconsideration of a resolution adopted on the 17th instant, a motion having then been made to reconsider, and the motion to reconsider laid on the table. The Speaker sustained the point of order.

Mr. Schutze moved a call of the House. The Speaker announced a quorum present and the call out of order.

Messrs. Schutze and Hughes appealed from the decision of the chair on the point of order made by Mr. Slaughter.

Mr. Butler moved to lay the appeal on the table.

The yeas and nays were demanded by Messrs. Schutze, Sinclair and Morrison, and stood:

Yeas—Messrs. Abney, Allen R, Allen H. R., Butler, Burley, Cooper, Cotton, Camp, Dupree, Dorris, Franks, Gardiner, Grothaus, Johnson, Locke, Lyons, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Schlotman, Sheriff, Slaughter, Stockbridge, Spencer, Tinsley, Van Noy, Williams of Walker—32.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Burnett, Bonner, Crudup, Cole, Cox, Davis, Ellis, Gaston, Hughes, Harn, Hamilton, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Manning, Morrison, McKee of Fannin, Miller, McLean, Posey, Pierson, Robb, Robinson, Ross, Schlickum, Schutze,

Sinclair, Smyth, Stirman, Shelburne, Tegener, Weaver of Hunt, Weaver of Johnson, York, Youngkin, Zoeller—45.

So the House refused to lay the appeal on the table.

Resolution read second time.

Mr. Burnett moved that the resolution be rejected, upon which motion the yeas and nays were demanded by Messrs. Slaughter, Schutze and Dorris, and stood:

Yeas—Messrs. H. R. Allen, R. Allen, Butler, Burley, Burnett, Cooper, Cotton, Camp, Dupree, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Youngkin, Zoeller—42.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Booty, Bonner, Crudup, Cole, Cox, Davis, Ellis, Gaston, Hughes, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Pierson, Robb, Ross, Schutze, Stirman, Sinclair, Smyth, Shelburne, Weaver of Hunt, Weaver of Johnson, York—35.

So the resolution of Mr. Schutze was rejected.

Mr. Slaughter moved that the House adjourn until 9 o'clock tomorrow morning.

The yeas and nays were demanded by Messrs. Cooper, Robinson and Locke, and stood:

Yeas—Messrs Austin, H. R. Allen, Becton, Booty, Bonner, Hawkins, Johnson, Lacy, McLean, Miller, Slaughter, Spencer Weaver of Hunt—13.

Nays—Messrs. Abney, Abbott of Austin, R. Allen, Abbott of Hill, Butler, Burley, Burnett, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, Hughes, Harn, Hamilton, Haswell, Jenkins, Kyle, Kendall, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Fannin, Mitchel, Mullins, Medlock, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zoeller—64.

So the House refused to adjourn.

Mr. Butler offered the following resolution:

WHEREAS, It is currently reported that Hon. H. C. Ellis was a refugee from this State during the war, and is not at this time

qualified to sit as a member of this body by reason of not having resided in this State for two years, therefore be it

Resolved, That the Committee on Elections and Privileges be instructed to inquire into the eligibility of Mr. Ellis as a member of this House.

Resolution read first and second times.

On motion of Mr. Butler the resolution was referred to Committee on Privileges and Elections.

Mr. Camp introduced a bill entitled "An Act legalizing the acts of Police Court of Goliad county, in acting under the acts of the Legislature of 1866."

Bill read first time and referred to Committee on Claims and Accounts.

Mr. Miller moved that the House now adjourn until nine o'clock to-morrow morning.

Upon which the yeas and nays were demanded by Messrs. Locke, Robinson and Morrison, and stood:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Crudup, Cole, Dupree, Ellis, Gaston, Hughes, Harn, Haswell, Hawkins, Jenkins, Kendall, Lacy, Lane, Leonard, Lyons, McKee of Fannin, Mitchel, Mullins, Miller, Prissick, Robb, Schlickum, Schlotman, Schutze, Slaughter, Smyth, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson—38.

Nays—Messrs. Austin, Abney, R. Allen, Butler, Booty, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Davis, Dorris, Franks, Gardiner, Grothaus, Hamilton, Kyle, Locke, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Medlock, Pierson, Plumley, Robinson, Ross, Sheriff, Sinclair, Stirman, Tinsley, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller—39.

So the House refused to adjourn.

On motion of Mr. Grothaus the rules were suspended to take up the business on the Speaker's table.

House bill No. 29, entitled "An Act to provide for the enrollment of the militia."

Mr. Hughes moved that it be made the special order of the House for ten o'clock Monday morning next. Lost.

Bill read third time.

On motion of Mr. Slaughter the consideration of the bill was made the special order for eleven and one-half o'clock A. M., to-morrow.

A message was received from the Senate announcing that the Senate had concurred in House joint resolution No. 3, asking the

Congress of the United States to prevent the Republic of Mexico from harboring bands of Indians, etc., and House joint resolution No. 4, asking the Congress of the United States to improve the bars of certain harbors of Texas.

On motion of Mr. Crudup the House adjourned until nine o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, May 20, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Bonner, Gaston, Spencer and Wilkinson.

On motion of Mr. Williams, of Colorado, Mr. Wilkinson was excused indefinitely on account of sickness.

Messrs. Gaston, Bonner and Spencer were excused from attendance.

Journal of yesterday read and adopted.

The Speaker announced that the hour had arrived for the consideration of the special order of the day, to-wit: A bill entitled "An Act to provide for the protection of the frontier," etc.

[Mr. Butler called to the Chair.]

On motion of Mr. Sinclair, the bill was recommitted to Committee on Indian Affairs.

[The Speaker resumed the Chair.]

Mr. Davis presented a petition from citizens of Gonzales county, praying that a special tax may be levied.

Referred to Committee on State Affairs.

Mr. Weaver, of Hunt, presented a petition from R. S. T. Henderson, praying that he be permitted to show a magic lantern without paying tax.

Referred to Committee on Finance.

Mr. Dupree presented a petition from citizens of Montgomery county relative to care of stock.

Referred to Committee on State Affairs.

Mr. Young, Chairman of the Committee on Internal Improvements, made the following report:

COMMITTEE ROOM,
AUSTIN, May 19, 1870.

To Hon. IRA H. EVANS,
Speaker House of Representatives:

Sir: Your committee, to whom was referred the consideration of a bill introduced by the Hon. C. D. Morris, entitled "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company," respectfully report that they have carefully examined the same, and recommend its passage by your honorable body.

Respectfully,
H. W. YOUNG,
Chairman of Committee on Internal Improvements.

Report accepted and bill passed to the orders of the day.

Mr. Young, Chairman of Committee on Internal Improvements, made the following report:

COMMITTEE ROOM,
AUSTIN, May 19, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

Sir: Your committee, to whom was referred an act entitled "An Act to incorporate the Island City Real Estate and Homestead Association," respectfully report that they have carefully examined the same, and recommend its passage by your honorable body.

Respectfully,
H. W. YOUNG,
Chairman of Committee on Internal Improvements.

Report accepted and bill passed to the orders of the day.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, made the following report:

COMMITTEE ROOM,
Austin, Texas, May 20, 1870.

To the HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Counties and County Boundaries to whom was referred a joint resolution praying for the State taxes of Limestone county to be donated to said county for the next four years for the purpose of building a jail in said county. Have had the same under consideration, and beg leave to make the following report:

That from the great number of counties in a similar condition, and as destitute of finances, and even more so, and to grant relief to all counties similarly situated would greatly affect the finances of the State. Therefore your committee returns the joint resolution and recommend that it do not pass.

COOPER,
Chairman of Committee.

On motion of Mr. Morrison, the report was adopted.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, made the following report:

COMMITTEE ROOMS,
May 20, 1870.

To the HON. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries to whom was referred a joint resolution for the relief of Upshur county, praying for the relinquishment of the State tax for four years, to aid said county in building a court house, have had the

same under consideration, and most respectfully beg leave to report that from the great number of applications from various counties in this State, of like character, if the relief sought should be granted, it would materially affect the finances of the State.

Therefore your committee returns the said joint resolution and recommend that it do not pass.

But for the purpose of placing it in the power of each county in the State to obtain the relief sought, we herewith present a bill, and recommend its passage.

COOPER,
Chairman of Committee.

On motion of Mr. Morrison, the report was adopted, and bill passed to the orders of the day.

Mr. Stockbridge, chairman of Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM,
Austin, May 20, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills have examined and compared the following bills: House bill No. 17; House bill No. 19; House bill No. 26; House bill No. 30; House bill No. 41—and find the same to be correctly engrossed. Very respectfully,

C. J. STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Camp introduced a bill entitled "An Act to encourage stock raising, and for the protection of stock raisers"

Bill read first time, and referred to Committee on Agriculture and Stock Raising.

Mr. Locke offered the following resolution:

WHEREAS, The limits of the Penitentiary of this State are insufficient to meet the demands of the State, and it is deemed inexpedient to increase the number of convicts beyond the present capacity of the buildings at Huntsville; and

Whereas, The expense of removing prisoners from the extreme eastern and western portions of the State to the Penitentiary, as now established, would go far to defray the expense of constructing Penitentiaries accessible to such sections, and from the increase of population a necessity arises for their establishment; be it, therefore,

Resolved, That the Committee on Penitentiary be instructed to inquire into the propriety of building a Penitentiary at or near Castroville, on the Medina river, and one at some point east of the

Trinity river and north of the thirty-second degree of latitude, and report by bill or otherwise.

Resolution read first and second times.

On motion of Mr. Abney, the resolution was adopted.

Mr. Robinson offered the following resolution:

Resolved, That successful contestants be allowed mileage from and to their homes, as are other members.

Resolution read first and second times.

On motion of Mr. Sinclair, the resolution was adopted.

Mr. Burnett introduced a bill entitled "An Act to organize the Supreme Court."

Bill read first time, and referred to Judiciary Committee.

Mr. Burnett introduced a bill entitled "An Act to provide abatement of the salaries of Judges and District Attorneys failing to perform their official duties."

Bill read first time and referred to Judiciary Committee.

Mr. Abbott of Hill offered the following resolution:

WHEREAS, Rumors and reports are in circulation that combinations of persons, or lawless bands, have been organized in many portions of the State, for the purposes of murder, arson and robbery, and of resisting the civil authorities in the due execution of the laws; and

Whereas, The particular locality or localities, and the extent of these dangerous combinations may not be fully known to all the members of this House; and

Whereas, These rumors and reports, being accredited, as they seem to be in many instances, by prominent citizens, amount to general and indiscriminate charges against the reputation of the people of the whole State, thus materially affecting the growth and prosperity of the country, by deterring emigration and capital from coming within our borders to develop its immense resources; and

Whereas, It is unjust and unfair to the good and law-abiding citizens that they should suffer in their lives, property and reputation from such lawless combinations, if any such exist; and that it is unjust and unfair, if such combinations exist in particular localities, that the good people of the whole State should suffer in consequence thereof; now, therefore, that this House may be advised as to the truth of these rumors and reports, and as to the whereabouts of the existence of such combinations, if they exist at all; and as to the extent, peculiar character, and object of such combinations; therefore, be it

Resolved, That each member of this House be and he is hereby called upon to report to this House, to the best of his knowledge and belief: whether, within his knowledge or belief, any such associa-

tion or combination exists in his county or district, whose object is to resist the civil authority in the execution of the law, or in bringing criminals to justice; and, if any such combinations exist, to report (in writing, to be spread on the Journals of this House) in what county or counties they do exist, and of what numbers such organizations consist, and whether their object is to shield criminals from any particular class of offenses, or whether it be to prosecute their unlawful purposes merely for gain.

Resolution read first and second times, and referred to Committee on Militia.

Mr. Tegener offered the following resolution:

Resolved, That the Committee on Indian Affairs and Frontier Protection be authorized to appoint a sub-committee to inquire into the manner in which the Indian reservation, known as the Wichita reserve, is conducted; that said sub-committee shall have power to call for persons and papers, and to administer oaths, and, if considered necessary, shall be authorized to proceed in person to the vicinity of said reservation for the purpose of taking evidence.

Resolution read first and second times; and on motion of Mr. Zoeller adopted.

Mr. Butler introduced a bill entitled "An Act Making an Appropriation for the Purchase of Machinery for the Penitentiary at Huntsville, and Improvement of the Buildings."

Bill read first time, and referred to Committee on Penitentiary.

Mr. Cox introduced a bill entitled "An Act to revive an act and amend the first section of 'An Act to Incorporate the Burnett Male and Female Academy.'"

Bill read first time, and referred to Committee on Education.

Mr. Young introduced a bill entitled "An Act to Allow Railroads Indebted to the School Fund to Save Forfeiture by payment of Interest Due."

Bill read first time, and referred to Committee on Internal Improvements.

Mr. Posey introduced a memorial and a bill entitled "An Act to Prohibit the Sale of Intoxicating Liquors within Four Miles of Greenwood Masonic Institute."

Bill and memorial read first time and referred to Committee on Education.

Mr. Sinclair introduced a bill entitled "An Act Appropriating Money to Pay a Claim upon Vouchers against the State."

Bill read first time, and referred to Committee on Finance.

Mr. Johnson introduced a bill entitled "An Act to Amend an act to Incorporate the Caddo Lake Manufacturing Company, Approved November 1, 1866."

Bill read first time and referred to Committee on Commerce and Manufactures.

By leave of the House, Mr. Hamilton presented a petition from the County Court of Bastrop county, asking authority to levy and collect a special tax.

Referred to Committee on State Affairs.

Mr. Kyle introduced a bill entitled "An Act to Authorize the County or Police Court of Hays County to Levy and Collect a Special Tax."

Bill read first time and referred to Committee on Counties and County Boundaries.

The unfinished business being in order, the Speaker announced that it was upon the resolution of Mr. Cooper, in regard to the election of a chaplain.

Mr. Burnett moved a suspension of the rules to proceed to the transaction of business on the Speaker's table. Lost.

The Speaker appointed Messrs. Slaughter and Hughes tellers.

Mr. Morris withdrew the name of Rev. B. A. Rogers from nomination.

Mr. Robinson withdrew the name of Mrs. Dr. Mary E. Walker.

Mr. Sheriff withdrew the name of Ben. Weston, alias Uncle Ben.

The House then balloted for Chaplain.

Result of the first ballot:

Dibble	22
Wilkes	28
Leake	13
Rogers	2
Beecher	1

No candidate having received a majority of all votes cast, the House proceeded to a second ballot.

Mr. Butler moved that on the second ballot the candidate receiving a plurality of votes cast be declared duly elected. Lost.

Result of the second ballot:

Dibble	37
Wilkes	37
Leake	2

Mr. Schutze moved that the House adjourn until 11.30 A. M.

The yeas and nays were demanded by Messrs. Schutze, Dorris and Abney, and stood:

Yeas—Messrs. Abbott of Austin, H. R Allen, Abbott of Hill, Becton, Booty, Camp, Ellis, Franks, Hughes, Haswell, Hawkins, Johnson, Jenkins, Lacy, Morrison, McLean, McKee of Guadalupe, Mullins, Moore of Red River, Robb, Robinson, Schlotman, Schutze, Sheriff, Sinclair, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Weaver of Johnson, Yorke, Zoeller—33.

Nays—Messrs. Austin, Abney, R. Allen, Butler, Burley, Burnett, Cooper, Cotton, Crudup, Cole, Cox, Dupree, Davis, Dorris, Gardiner, Harn, Hamilton, Kyle, Kendall, Lane, Leonard, Locke, Lyons, Manning, Moore of Harrison, Morris, McKee of Fannin, Mitchel, Medlock, Miller, Posey, Pierson, Plumley, Prissick, Ross, Schlickum, Smyth, Stirman, Tinsley, Weaver of Hunt, Williams of Walker, Williams of Colorado, Young, Youngkin—44.

So the House refused to adjourn.

Result of third ballot:

Dibble	32
Wilkes	51
Leake	1

Mr. Schutze made the point that the election was null and void, there being 84 votes cast and not 84 members present.

The Speaker sustained the point and so declared.

Mr. Robinson moved that the next ballot be by calling the roll, and as each member's name should be called, he should respond for whom he desired to vote.

The yeas and nays were demanded by Messrs. Schutze, Robinson and Morrison, and stood:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Allen, H. R., Allen, R., Butler, Burley, Booty, Burnett, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Hughes, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Miller, Moore of Red River, Pierson, Plumley, Prissick, Robb, Robinson, Schutze, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zoeller—65.

Nays—Messrs. Abbott of Hill, Becton, Hawkins, McLean, Mullins, Posey, Ross, Schlickum, Schlotman, Spencer, Tegener, Tinsley, Weaver of Hunt—13.

So the motion of Mr. Robinson was carried.

Mr. Slaughter moved to reconsider the vote by which the House decided that the election should be by roll call.

The Speaker announced that the hour had arrived for the consideration of the special order of the day set for 11:30 A. M., which was upon the passage of a bill entitled "An Act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense."

On motion of Mr. Schutze, the House adjourned until 9 o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES,

AUSTIN, Texas, May 21, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Absentees—Messrs. Abney, H. R. Allen, Crudup, Grothaus and Young.

Messrs. Grothaus, H. R. Allen, Young and Crudup, were excused from attendance on account of illness.

Journal of yesterday read and adopted.

Mr. Franks, Chairman of Committee on Privileges and Elections, offered the following report:

COMMITTEE ROOM,
Austin, May 20, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred the petition of J. D. George, a resident citizen of Grayson county, Texas, praying to be seated in the House of Representatives from the Twenty-second District, have had the same under consideration, and beg leave to make the following report and recommend its adoption:

From evidence before your committee, it appears that A. C. Warren, of Denton county, received the highest number of votes in the Twenty-second District for said Representative; and it further appears that said Warren was, and is yet, wholly ineligible to said seat as Representative from said District, having failed and refused to qualify, as prescribed by the Constitution, and, in view of all these facts, your committee most respectfully ask that said J. D. George be seated as said Representative of the Twenty-second District.

F. G. FRANKS,
Chairman.

On motion, Mr. Abney was excused from attendance on account of sickness.

On motion of Mr. Cooper, Mr. Morrison was permitted to explain his vote on the preceding motion.

Mr. Hughes moved that the consideration of the report of the Committee on Privileges and Elections be postponed until the first day of June, 1870. Lost.

Mr. Locke moved the previous question.

Previous question sustained.

The main question being upon the adoption of the report of the

Committee on Privileges and Elections, the yeas and nays were demanded by Messrs. Lane, Cole and Ross.

Mr. Pierson was excused from voting.

Mr. Miller asked leave to explain his vote.

Leave not granted.

The result of the yeas and nays was as follows:

Yeas—Messrs. R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Hamilton, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Posey, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller —49.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Cole, Ellis, Gaston, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, Miller, Robb, Ross, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—26.

So the report was adopted and Mr. J. D. George declared entitled to the seat in the House.

On motion of Mr. Manning, Mr. George was allowed to qualify and take his seat.

Mr. Robinson, Chairman of Committee on Enrolled Bills, made the following report:

COMMITTEE ROOM,
May 21, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Enrolled Bills instruct me to report that they have examined House Joint Resolution No. 3, and the Joint Resolution asking the government of the United States to improve the bars on the coast, and instruct me to report the same as correctly enrolled.

W. G. ROBINSON,
Chairman.

Report accepted.

Mr. Sinclair presented a petition from the faculty of Soule University of Galveston, asking State aid for the purpose of establishing a medical college.

Referred to Committee on Education.

Mr. Schlickum presented a petition from citizens of McLennan county for the relief of A. J. Doughney.

Referred to Committee on State Affairs.

Mr. Schutze, Chairman of Committee on State Affairs, made the following report:

COMMITTEE ROOM,
Austin, May 20, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred a memorial from the police court of Medina county, praying your honorable body to be authorized to levy a special tax for the erection of a jail, have had the same under consideration, and beg leave to report the accompanying bill and recommend its passage.

Very respectfully,

JULIUS SCHUTZE,
Chairman of Committee.

Report read and bill passed to the order of the day.

Mr. Butler, Chairman of Committee on Penitentiary, made the following report:

COMMITTEE ROOM,
May 21, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Penitentiary, to whom was referred the joint resolution appropriating to the wife of Col. N. A. M. Dudley the salary of the Superintendent from the date of service, instruct me to report back to the House the resolution, with a recommendation that it do pass.

J. P. BUTLER.
Chairman Committee on Penitentiary,
J. W. LANE,
JOHN H. MORRISON,
JEREMIAH HAMILTON,
WILLIAM SHERIFF,
A. M. COX,
R. L. MOORE,
J. R. COLE.

Report read and resolution laid over to come up in its order.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, made the following report:

COMMITTEE ROOM,
Austin, Texas, May 21, 1870.

To the HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to

whom was committed a joint resolution for the relief of Liberty county, praying the Legislature of the State of Texas to relinquish the State tax to said county for the term of three years from the passage of said resolution, for the purpose of building a jail in said Liberty county, have had the same under consideration, and most respectfully beg leave to report that it will be impracticable to grant the relief prayed for, we therefore return the resolution and ask that it be not adopted.

COOPER, Chairman.

Report adopted.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, made the following report:

COMMITTEE ROOM,
Austin, May 21, 1870.

To Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was committed a bill for the relief of Fort Bend county, praying the Legislature of the State of Texas to relinquish the State tax to said county for two years, for the purpose of repairing the jail and court house in said county, have had the same under consideration and, after mature deliberation, most respectfully beg leave to make the following report: That from the great number of counties similarly situated it would be deleterious to the financial condition of the State to grant the relief prayed for, therefore your committee returns the resolution and recommend that it be not adopted.

COOPER, Chairman.

Report adopted.

Mr. McKee of Guadalupe, Chairman of Committee on Claims and Accounts, made the following report:

COMMITTEE ROOM,
Austin, May 20, 1870.

To Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your committee, to whom was referred "An Act legalizing the acts of the police court of Goliad county in acting under the acts of the Legislature of 1866," have had the same under consideration, and herewith report the same back to your honorable body and recommend its passage.

J. F. McKEE,
Chairman of Committee on Claims and Accounts.

Report read and bill passed to the order of the day.

Mr. Franks, Chairman of Committee on Privileges and Elections, made the following report:

COMMITTEE ROOM,
Austin, May 21, 1870.

HON. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 26, entitled "An Act providing for the removal and appointment of certain officers in the State of Texas, have carefully examined the same, and I am instructed to report said bill back to the House, and recommend its passage.

F. G. FRANKS,
Chairman.

Report read and bill passed to the order of the day.

On motion of Mr. Butler, the rules were suspended to put on second reading "Joint Resolution No. 13, relative to the pay of Col. N. A. M. Dudley as Superintendent of the Penitentiary, awarding the same to his wife."

Joint resolution No. 13 read second time.

On motion of Mr. Plumley its engrossment and third reading were ordered.

On motion of Mr. Butler the rules were suspended and the resolution read third time and adopted.

Mr. Slaughter moved that the rules be suspended to allow the House to proceed to the transaction of the business pending yesterday when the House adjourned. Carried.

(Mr. Burnett called to the Chair.)

Mr. Hughes moved that the House resolve itself into a committee of the whole for the consideration of the bill entitled "An Act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense."

Mr. Williams of Colorado moved that the motion be laid on the table.

Upon which the yeas and nays were demanded by Messrs. Hughes, Lacy and Leonard, and stood:

Yeas—Messrs. Abbott of Austin, R. Allen, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Franks, Gardiner, George, Hamilton, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Sinclair, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller—46.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Crudup, Cole, Dorris, Ellis, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy,

Lane, Leonard, McLean, McKee of Fannin, Miller, Posey, Pierson, Robb, Ross, Smyth, Stirman, Shelburne, Weaver of Hunt—27.

So the motion of Mr. Hughes was laid on the table.

Mr. Evans moved the previous question.

Previous question sustained.

Mr. Plumley moved a suspension of the rules to allow Mr. Hughes to speak one hour instead of thirty minutes. Carried.

Mr. Sinclair moved a reconsideration of the vote allowing Mr. Hughes to speak one hour.

Pending the motion to reconsider, Mr. Hughes waived the right granted him, to speak one hour, and the motion to reconsider was not put.

Mr. Hughes made the point of order that the previous question could not be moved on the bill without a four-fifths vote.

The Chairman decided the point of order not well taken.

Mr. Hughes appealed from the decision of the chair.

The yeas and nays were demanded by Messrs. Miller, McLean, and Smyth, and the decision of the chair sustained by the following vote:

Messrs. Speaker, Abbott, of Austin, Allen, R., Butler, Burley, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Kendall, Locke, Lyons, Manning, Morrison, Moore, of Harrison, Morris, McKee, of Guadalupe, Mitchell, Mullins, Medlock, Moore, of Red River, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams, of Walker, Williams, of Colorado, Youngkin, Zoeller—48.

Nays—Messrs. Austin, Abbott, of Hill, Becton, Booty, Cole, Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee, of Fannin, Miller, Posey, Pierson, Robb, Ross, Simmons, Slaughter, Smyth, Stirman, Shelburne, Weaver, of Hunt, Weaver, of Johnson—28.

Mr. Booty moved a call of the House.

Call sustained.

Mr. Leonard moved that the House adjourn until ten o'clock A. M. Monday next. The yeas and nays were demanded by Messrs. McKee, of Guadalupe, Tinsley and Davis, and stood:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Booty, Cole, Ellis, Hughes, Hawkins, Jenkins, Kyle, Lane, Lacy, Leonard, McLean, McKee of Fannin, Miller, Posey, Robb, Ross, Simmons, Sinclair, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—26.

Nays—Messrs. Speaker, Abbott of Austin, Allen R, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis,

Dorris, Franks, Gaston, George, Gardiner, Harn, Hamilton, Haswell, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller—53.

So the House refused to adjourn.

The question then recurred, "Shall the main question be now put?"

The yeas and nays were demanded by Messrs. Miller, McLean and Kyle, and stood:

Yeas—Messrs. Speaker, Abbott of Austin, Allen R., Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller—53.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Cole, Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Posey, Pierson, Robb, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—27.

So the main question was ordered.

Mr. Abbott, of Hill, raised the point of order that it required a four-fifths vote to dispense with the rule allowing free discussion on any bill before its passage.

The Chairman ruled the point of order not well taken, and that the same question had already been settled by the Chair, and by the House, on appeal.

Mr. Abbott, of Hill, appealed from the decision of the Chair.

Mr. Evans moved that the appeal be laid on the table.

The yeas and nays were demanded by Messrs. McLean, Hughes and Jenkins, and stood:

Yeas—Messrs. Speaker, Abbott of Austin, Allen R., Butler, Burley, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Kendall, Lock, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spen-

cer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller—52.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Cole, Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Posey, Pierson, Robb, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—27.

So the appeal was laid on the table.

Mr. Lacy moved that the House adjourn until ten o'clock A. M., Monday next.

The yeas and nays were demanded by Messrs. Locke, Lacy and Dupree, and stood:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Booty, Cole, Ellis, Gaston, George, Hughes, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Posey, Pierson, Robb, Ross, Simmons, Sinclair, Smyth, Stirman, Shelburne, Weaver of Hunt, Williams of Walker, Weaver of Johnson—31.

Nays—Messrs. Speaker, Abbott of Austin, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendal, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Colorado, York, Youngkin, Zoeller—49.

So the House refused to adjourn.

The main question being upon the final passage of the bill entitled "An Act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense," the yeas and nays were demanded by Messrs. Evans, Locke and Cooper, and stood:

Yeas—Messrs. Speaker, Abbott of Austin, Richard Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Davis, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller—53.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Cole, Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard,

McLean, McKee of Fannin, Miller, Posey, Pierson, Robb, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson--27.

So the bill passed.

Mr. Cooper moved to reconsider the vote just taken on the final passage of the bill, and to lay the motion to reconsider on the table.

The yeas and nays were demanded by Messrs. Locke, Hawkins and Dupree, and stood:

Yeas: Messrs. Speaker, Abbot of Austin, Allen R., Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Medlock, Mullins, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller--54.

Nays: Messrs. Austin, Abbott of Hill, Becton, Booty, Cole, Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Leonard, Lane, McLean, McKee of Fannin, Miller, Posey, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—25.

So the motion to reconsider was laid on the table.

On motion of Mr. Evans, Mr. Booty was granted leave of absence for ten days.

On motion of Mr. Davis, the House adjourned until ten o'clock A. M., Monday next.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, May 23, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Manning, Posey and Grothaus.

Messrs. Manning and Posey were excused from attendance on account of sickness.

Journal of Saturday, May 21, read, corrected and adopted.

By unanimous consent Mr. Abney was permitted to record his vote on the passage of the militia bill, which was passed on the 21st inst. Mr. Abney voted yea.

Mr. Robinson rose to a question of privilege, and read from the Houston Union an extract from a letter relating to himself. The Speaker ruled it out of order, as the extract referred only to the standing of Mr. Robinson in the Republican party.

Mr. Schutze also rose to a question of privilege, and read an extract from the Houston Union, but was ruled out of order, as the matter only referred to Mr. Schutze as a Republican.

On motion of Mr. Plumley, Mr. Schutze was allowed to make a personal explanation in regard to the article in question.

The Speaker announced that the hour had arrived for the consideration of the special order of the day.

On motion of Mr. Moore, of Red River, the consideration of the special order was postponed twenty minutes, to allow Mr. Schutze sufficient time to make his explanation.

Mr. Schutze offered the following resolution:

Resolved, That the subscription to the Houston Union be, and hereby is, *suspended* until further action.

Mr. Slaughter raised the point of order that a similar resolution had been introduced by Mr. Schutze on the 19th inst. and had been rejected by the House.

The Speaker ruled the point of order well taken.

Messrs. Schutze and Robinson appealed from the decision of the chair.

The yeas and nays were demanded by Messrs. Schutze, Robinson and Lacy, and stood:

Yeas—Messrs. H. R. Allen, R. Allen, Abbott of Hill, Booty, Butler, Burley, Burnett, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Georgé, Johnson, Jenkins, Lacy, Leonard, Locke, Morrison, Moore of Harrison, Morris, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock,

Plumley, Prissick, Ross, Schlickum, Schlotman, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Spencer, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Williams of Colorado, York, Young, Youngkin—51.

Nays—Messrs. Austin, Abney, Abbott of Austin, Bonner, Cole, Ellis, Gaston, Harn, Hamilton, Haswell, Hawkins, Kyle, Kendall, Lane, Lyons, McLean, Miller, Moore of Red River, Pierson, Robb, Robinson, Schutze, Smyth, Shelburne, Weaver of Johnson—25.

So the decision of the chair was sustained.

On motion of Mr. Zoeller, Mr. Grothaus was excused indefinitely from attendance on account of sickness.

Mr. Slaughter offered the following resolution:

Resolved, That it is the sentiment of this House that the correspondent signing himself Blunt, does a gross injustice to Mr. Schutze, and that it meets the just contempt of all true men in this body.

Resolution read first and second times.

Mr. Sinclair moved to lay the resolution on the table. Lost.

Mr. Franks moved to amend by adding the names of Robinson and Cooper.

Mr. Schutze moved to lay the amendment on the table. Carried.

So the amendment and resolution were laid on the table.

Mr. Slaughter gave notice that to-morrow he would move to change the rule by which a resolution is laid on the table when an amendment to a resolution is laid on the table.

The hour having arrived for the consideration of the special order of the day, which was for the consideration of the Governor's Message and the resolution offered by Mr. Slaughter on the thirteenth instant, on motion of Mr. Schutze the House resolved itself into a committee of the whole for the consideration of the same.

[Mr. Sinclair in the Chair.]

11:30 A. M.

Committee rose. The Chairman reported progress and asked leave to sit again. The report was adopted.

Mr. Butler presented a memorial of certain citizens asking an appropriation to pay claims against the State Penitentiary.

Referred to Committee on Penitentiary.

Mr. Youngkin presented a petition from citizens of Frelsburg and vicinity, of Colorado county, relative to Herrmann Seminary.

Referred to Committee on Education.

Mr. Richard Allen presented a memorial from the Houston Law Association.

Referred to Judiciary Committee.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following reports:

COMMITTEE ROOM,
Austin, May 23, 1870.

To Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred a joint resolution for the relief of Van Zandt county, praying for the State tax of Van Zandt county to be relinquished to said county for the term of three years, for the purpose of repairing and rebuilding the court-house and jail in said Van Zandt county, have had the same under consideration, and most respectfully beg leave to make the following report: That from the great number of counties similarly situated, and some even more destitute than the said Van Zandt county, and less able to erect court-house and jail; and from the fact that relief cannot be granted to all such counties without greatly injuring the finances of the State, and from the fact that to relieve one to the exclusion of the balance would be partial legislation. Therefore your committee returns the joint resolution and ask that it be not adopted.

COOPER, Chairman.

COMMITTEE ROOMS,
Austin, May 22, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred a joint resolution for the relief of Kendall county, praying the State tax to be relinquished to said county for the term of two years, for the purpose of building a courthouse, have had the same under consideration, and, after mature consideration and reflection, most respectfully beg leave to make the following report:

That, looking to the interest of the finances of the State, it would be unwise in this Legislature to grant the relief. Therefore your committee return said resolution and recommend that it do not pass.

COOPER, Chairman.

Report adopted.

Mr. Slaughter, chairman of Committee on Finance, submitted the following reports:

COMMITTEE ROOMS,
Austin, May 23, 1870.

Hon IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Finance have the honor to report they have had under consideration House bill No. 140, entitled "An Act

to provide for the distribution of money now in the State treasury which is due the several counties." After much deliberation your committee instruct me to recommend the accompanying substitute and ask that it be passed.

SLAUGHTER,
Chairman of Committee.

COMMITTEE ROOM,
Austin, Texas, May 23, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Finance have the honor to report that they have had under consideration House bill No. 153, entitled "An Act to appropriate money to pay a claim upon vouchers against the State."

Your committee have carefully examined the same, and find the claim correct and just, and would most respectfully recommend that the bill be passed.

SLAUGHTER, Chairman Committee.

COMMITTEE ROOM,
Austin, Texas, May 23, 1870.

HON. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Finance have the honor to report that they have had under consideration House bill No. 145, entitled "An Act to provide for the printing expenses of this Legislature," and would most respectfully recommend that it do pass.

SLAUGHTER, Chairman Committee.

Reports read and bills passed to the order of the day.

On motion of Mr. Slaughter, the rules were suspended to take from the table House bill No. 145, entitled "An Act providing for the printing expenses of this Legislature."

Bill read second time.

On motion of Mr. Slaughter, the bill was ordered to be engrossed and read the third time.

Mr. Morris, chairman of Committee on Town and City Corporations, submitted the following reports:

COMMITTEE ROOM,
Austin, May 20, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: The committee to whom was referred an act entitled "An Act to Incorporate the Town of Hallettsville, in Lavaca County,"

have carefully examined the same, and propose as a substitute for Section No. three in said act the following, viz:

"The mayor and board of aldermen of said town shall be appointed by the Governor, and shall hold their offices until the next general election, or until otherwise provided for by law; they shall have authority to appoint a constable, secretary and treasurer, who shall hold their offices for the same term as themselves; the treasurer and constable shall be required to give bond in such amount and such security as shall be approved by the mayor for the faithful performance of their duties, and to make reports when required by the mayor and aldermen. The mayor shall have and exercise all the powers and jurisdiction of a justice of the peace, and before entering upon the duties of his office, he shall take the oath prescribed by the Constitution, and give such bond and security as a justice of the peace is required to give. The constable shall have and exercise all the powers and discharge all the duties within said corporation of a constable of the county, and before entering upon the duties of his office shall furnish his bond as aforesaid," and with said substitute made, the committee have instructed me to report favorably upon said act, and recommend its passage.

C. D. MORRIS,
Chairman Committee on Town and City Corporations.

COMMITTEE ROOM,
Austin, May 20, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: The committee to whom was referred an act entitled "An Act to incorporate the town of Greenville, in Hunt county," have duly considered the same, and propose as a substitute for section number three in said act the following, viz:

"The mayor and board of aldermen of said town shall be appointed by the Governor, and shall hold their offices until the next general election, or until otherwise provided for by law They shall have authority to appoint a constable, secretary and treasurer, who shall hold their offices for the same term as themselves. The constable and treasurer shall be required to give a bond, in such amount as may be deemed proper by the mayor and board of aldermen, for the faithful performance of their duties, and they shall make a report to the mayor and board of aldermen of their official actions, when required by a majority of them so to do. The mayor, aldermen and other officers shall take the oath of office required by the State Constitution, and no office shall be held by any person who is not a registered voter."

And with said substitute the committee have instructed me to report favorably upon said act, and recommend its passage.

C. D. MORRIS,
Chm. Com. Town and City Corporations.

On motion of Mr. Abbott of Hill the bills were recommitted to Committee on Town and City Corporations.

By leave of the House, Mr. Sinclair presented the petition of R. K. Smith against the incorporation of the Gulf Land Company.

Referred to Judiciary Committee.

By leave of the House, Mr. Pierson presented a petition from citizens of Pittsburg, Upshur county, praying for the incorporation of Pittsburg Institute.

Referred to Committee on Education.

Mr. Abbott of Austin, Chairman of Committee on Printing and Contingent Expenses, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 23, 1870.

To Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Printing and Contingent Expenses, to which was referred the following accounts, have carefully examined the same, and ask they be paid.

ABBOTT,
Chairman.

A. Siemering & Co., for 1600 copies Freie Presse, April 26th to May 12, 1870, as per voucher No. —	$128 00
S. Palm, Postmaster, Austin; postage stamps and envelopes, to May 13, 1870, as per voucher No. —	1309 00
Tracy, Siemering & Co., printing and newspapers. From February 23d to May 15, 1870, per voucher No. 3.....	1535 50
Tracy, Siemering & Co., printing Governor's Message in English, German and Spanish, as per voucher No. 4..... (Gold)	1333 33
F. LaBarrie, for repairs on Capitol and Governor's mansion	20 00
L. Allen, work and repairs on State Cemetery.....	8 55
Long & Kingsbury, carriage hire, (Inaugural).....	3 50

Mr. McLean moved that the report be referred to Committee on Finance.

On motion of Mr. Sinclair, the motion of Mr. Lean was rejected.

Mr. Burnett moved that the report be recommitted to Committee on Printing and Contingent Expenses.

Mr. Hughes moved to amend by directing the committee to itemize the accounts. Carried.

The question recurring upon the motion as amended, it was adopted.

Mr. Johnson, Chairman of Committee on Public Buildings and Grounds, submitted the following report:

AUSTIN, Texas, May 23, 1870.

HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: The Committee on Public Buildings and Grounds beg leave respectfully to report that they have had under consideration the public buildings at the Capital, have examined the same, and beg leave to submit the following as their report in part:

The building in which the Supreme Court holds its session should be enlarged, newly furnished and in other respects repaired and improved. The roof of said building is very much out of repair, admitting the water to pass to the rooms below, much to the injury of the furniture and the books in the library. Your committee suggest that the roof should be entirely removed, and, in order that the building may be enlarged and made more commodious and suitable for its legitimate purposes, another story should be added to the building, to be properly and conveniently arranged for the use of the Court, and the whole covered entirely anew. With these improvements judiciously made, your committee are of the opinion that the wants of the Supreme Court, in this regard, will be amply supplied. The Executive Mansion, the General Land Office, and the Office of the Comptroller of Public Accounts are also in need of some repairs and additional furniture, and an appropriation should be made for that purpose.

The same remarks are applicable to the buildings of the Deaf and Dumb Asylum, and the Institution for educating the Blind, all of which are in need of the expenditure of considerable sums of money to render the same comfortable for their unfortunate occupants. For a period now of ten years, but little attention has been paid to these buildings for want of proper legislation, and but little money expended in the necessary repair of the buildings. An adequate sum should at once be appropriated by the Legislature to place these buildings in good condition, and your committee will soon report all the necessary bills and resolutions to the House for the accomplishment of these purposes, and ask that the same be passed.

The State Lunatic Asylum has to this time principally engrossed the attention of your committee, and they are able to make a more extended report in regard to that institution.

This building is found to be in a very dilapidated condition, and,

in the opinion of the committee, if permitted to remain so much longer, will become unsafe, and the occupation of it dangerous to the lives of its inmates. Owing to the want of proper legislative appropriations for so long a period of time, the buildings, wholly inadequate in themselves at best, are so much out of repair that immediate work is required to render them secure and comfortable.

The buildings, in the first place, are too small, were originally constructed on a scale too contracted and inferior, and are altogether entirely inadequate to supply the wants of a large State like Texas, constantly and rapidly increasing in population as it is, and, in the opinion of the committee, an entire new set of buildings, having the most ample accommodations, located upon entirely new grounds, should be erected at as early a day as practicable.

Your committee respectfully report that the Legislature should at once make sufficient appropriations to erect such new buildings, and, in the meantime, set apart an adequate fund to place the present buildings in a good, substantial and secure state of repair, that the same may be comfortably used until the new ones shall be ready for occupation.

Your committee respectfully suggest that the particular location of the Lunatic Asylum is not, in their opinion, a proper and convenient one, that it would be for the interest of the institution that the buildings and grounds now occupied be sold, and a location, with ample grounds, selected near the banks of the Colorado, in the vicinity of this city, purchased for the use of the State, and all necessary improvements erected thereon, commensurate with the wants of the institution.

In connection with this subject your committee would further respectfully report that in their opinion the necessities of the large class of unfortunate people, for whom the benevolence of the State is invoked, in the establishment of institutions of the kind under consideration, require that an additional Lunatic Asylum be erected, without delay, in the Eastern portion of the State.

By reference to the report of the Superintendent of the State Lunatic Asylum for 1869, it will be seen that the number of unfortunates in this class of our people, proper subjects for an asylum, already amount to not less than one thousand, and it may reasonably be presumed, from the prospective increase of population, that even this appalling number may in the future be largely increased. It is believed that three or four hundred patients are enough to crowd together in any one institution of this kind, however large the buildings and however ample the facilities at hand for their accommodation.

It is stated that hundreds of the insane are at this moment

dragging out a miserable existence in Texas for the want of asylum accommodations, and the remoteness of the present institution from a large portion of the State. The great distance from the East to Austin operates as an exclusion to all Northern and Eastern Texas from any benefits arising from the public beneficence in the establishment of a State Asylum.

Friends prefer to take care of the unfortunates at home as best they can, rather than subject themselves to the trouble and great inconvenience, and the unhappy patients to the wretchedness, attending the long journey to reach the capital. And even were the objection met, or in any manner removed, the simple statement of the fact that there are already one thousand insane persons in Texas, strikes the mind as conclusive that at least two institutions of the kind, of the most ample facilities, should be immediately erected by the State.

Your committee therefore recommend the passage of a bill:

First, for the repairs of the buildings of the present State Lunatic Asylum, and to refurnish the same as its wants demand.

Second, the sale of the present site and buildings of said institution.

Third, the purchase of sufficient grounds near the river, at or near Austin, and the erection of suitable buildings thereon sufficient for the accommodation of not less than four hundred patients; and

Fourth, that an additional State institution of the kind be located in Eastern Texas, with like grounds purchased and ample buildings erected thereon for the accommodation of a like number of patients.

Upon the subject of the location of the new State Asylum for East Texas, your committee beg leave respectfully to suggest that in their opinion the said Institution should be located at Jefferson.

That city is situated at the head of the navigable waters of Red River, through which channel communication is had with New Orleans and the Eastern and Northwestern States, and by which the Institution could at all times be supplied with all things necessary to be imported for its use. The city, with a population already of ten to twelve thousand, is of large and increasing trade; is the depot and business point for a great portion of northern and eastern Texas, and is, therefore, in constant communication with the interior, and from the projected system of railroads which is destined to traverse the State, will soon be in direct communication by rail with almost every county in all that section of the State. Every facility in the way of water, fuel, provisions and supplies of every kind can be had with cheapness and dispatch, situated, as the city is, in a heavily timbered region and immediately upon the banks of a navigable stream.

Therefore, upon the score of convenience, economy and accessibility, the committee respectfully recommend the selection of Jefferson as in all respects the most proper place in Eastern Texas for the establishment of an additional State Lunatic Asylum.

Your committee respectfully beg leave to report further, that they have partially had under consideration the subject of the State penitentiary, and recommend that a bill be passed appropriating twenty thousand dollars for the proper repairs and improvement of that institution.

Your committee are of the opinion that two additional penitentiaries should be established for the use of the State, one to be located at or near New Braunfels, in the county of Comal, and the other at or near the town of Sulphur Springs, in the county of Hopkins.

The necessity for two such additional establishments must be apparent to every member of the House. According to the report of Colonel Dudley, the able Superintendent, the penitentiary at Huntsville already contains nearly five hundred convicts, and it may safely be calculated that upon a faithful and efficient administration of law, as we hope soon to have, under an able judiciary and energetic law officers of the State, and from the immense increase of immigration to which Colonel Dudley refers, the present list of convicts will, in all probability, soon be swelled to two or three times that number.

Your committee believe that not more than four hundred convicts ought to be confined together in the same place of punishment, and hence the importance of making early provision for the division of the penitentiary into at least three parts, to be established in various parts of the State.

By such a plan the general good will be better promoted, each institution will be more self-sustaining, because more accessible to the different sections of the State, to receive its supplies and diffuse its manufactured articles; the administration of justice and the infliction of punishment will be more efficient and economical; the health and reformation of the convict himself better secured, and the entire system managed and conducted with greater ease, and in every aspect of the subject with manifest advantage to all the interests involved.

Your committee have suggested New Braunfels and Sulphur Springs because of the central position of the former in Western Texas, and of the latter in Northeastern Texas; because of the high and healthful location of each, the pure air and abundance of water, and of the facility of access to each from those sections of the State to which they should be respectively assigned as points for the new penitentiaries.

It will be but a short time before New Braunfels will be connected by railroad with Indianola, San Antonio and Austin, and that Sulphur Springs will in like manner be connected with Jefferson, Henderson, Tyler, and all the counties lying west and north of Hopkins, and thus will at an early day be secured communication by rail into the interior for the articles manufactured at each place, as well as an outlet to the markets of the world by way of Indianola, Galveston and Jefferson, through which points also all articles necessary to be imported for the use of said penitentiaries can be obtained with economy and dispatch.

To carry out the recommendations contained in this report in part, your committee herewith present two bills, one entitled "An Act for the repairs and improvement of certain public buildings," and one entitled "An Act to provide for the sale of Texas State Lunatic Asylum," and for other purposes, and respectfully recommend their passage.

Your committee further beg leave to report that by an act of the Legislature passed on the thirtieth of August, 1856, one hundred thousand acres of land were set apart for the benefit of the Lunatic Asylum, and a like amount for the benefit of the Deaf and Dumb and Blind Institutions.

Your committee herewith report a resolution asking for information on this subject, and respectfully ask that it be passed.

Your committee also report, in furtherance of their views upon the establishment of two additional penitentiaries for the use of the State, herewith present a bill for that object, and respectfully recommend its passage.

Respectfully submitted.

J. W. JOHNSON,
Chairman.

A message was received from the Senate announcing that that body had passed Senate Bill No. 8, entitled "An Act to Incorporate the Town of Hallsville, in Harrison County, Texas;" Senate Bill No. 41, entitled "An Act to Confirm the Compromise and Settlement Between the Corporation of the City of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company;" and Senate Bill No. 75, entitled "An Act for the Relief of the Heirs of General Sam Houston, deceased," asking the concurrence of the House in the same.

Mr. Tinsley, from the Committee on Public Buildings and Grounds, submitted the following minority reports:

COMMITTEE ROOM,
Austin, May 21, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

The minority of the Committee on Public Buildings and Grounds beg leave to dissent from the report of the majority. It is a question of location and building one or more branch penitentiaries, and one with which this committee has nothing to do. No bill has been referred to it; and the Committee on Penitentiary have already perfected a bill for the purpose of building of a branch sufficient for the immediate wants of the State. It has been read in place, and appears to be well digested. The locality is to be determined by competent commissioners, having in view all natural advantages, and your minority ask the House to reject the report of the majority, as a matter not legitimately within their sphere of duty.

A. D. TINSLEY.

COMMITTEE ROOM, May 21, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

The minority of the committee to whom was referred the question of additional accommodations for the insane, beg leave to dissent from the report of the majority of the Committee on Public Buildings and Grounds.

Whilst they must concur in recommending the erection of suitable buildings sufficient for the comfortable accommodation of that class of patients, and for all of them, they cannot assent to the location of any Insane Hospital upon the immediate border of a neighboring State, in an insalubrious and malarious district, difficult of access to the large portion of the citizens of the State, and altogether too near a large population from which such a class of patients ought to be removed. These objections themselves are insuperable, but it is not, nor ever has been, the policy of a great public charity, or of any sanitary or other State Institution, in its inception or organization, to submit its final location—a question of such vast importance—to the hastily-formed conclusions of a small legislative committee. The bill for its establishment at the city of Jefferson is one that ought not to pass. Experienced men ought to be selected to determine upon a proper site for such an Institution, having in view primarily those surrounding agencies, such as salubrity of climate, opportunity for healthful exercise, and employment in agricultural and other pursuits; cheapness of material for the structure, and all other various considerations so absolutely indispensable in governing the first step in so important and permanent a public enterprise.

But, apart from all these considerations, the minority of your committee contends that the Committee on Public Buildings and Grounds have stepped beyond their legitimate authority in reporting upon this subject. No bill has ever been referred to the committee by the House upon this question. The committee was constituted to report upon public buildings already erected, and not to consider those that are in the womb of the future; and whilst the minority of the committee admire the generous efforts of the majority to relieve other committees of duties that might prove to be onerous, and volunteer their service in a laudable and benevolent work, they nevertheless regard it premature, ill-timed and gratuitous, and therefore hope neither the report or the bill presented to the House will be entertained.

A. D. TINSLEY.

On motion of Mr. Lane, that portion of majority and minority reports of Committee on Public Buildings and Grounds, together with the accompanying bill, relative to establishment of penitentiaries, were referred to the Committee on Penitentiary.

Remainder of bills passed to orders of the day.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, May 23, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

As Chairman of Committee on Enrolled Bills I beg leave to report that joint resolution "to authorize officers elect to act under existing laws until further legislation, has this day been presented to the Governor for his approval and signature.

W. G. ROBINSON, Chairman.

Report accepted.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, May 23, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills, to whom was referred House Joint Resolution No. 13, has carefully compared the same and report it back as correctly engrossed. Respectfully,

C. J. STOCKBRIDGE,
Chairman Committee on Engrossed Bills.

Report accepted.

On motion of Mr. Slaughter, the rules were suspended for the

consideration of the report and substitute for House Bill No. 140, offered by Committee on Finance.

Report read and adopted.

On motion of Mr. Tegener, the substitute was adopted.

Mr. Schutze offered the following amendment:

At the end of section 2 add, "provided that the State Comptroller shall be authorized to retain of the money due to the respective counties, such amounts as may be due to the State Lunatic Asylum, for the support of indigent patients."

On motion of Mr. Hughes, the amendment was adopted.

On motion of Mr. Tegener, it was ordered that the bill be engrossed and read the third time.

The Speaker put the following question to the House: "Shall a motion to adjourn to a certain time specified be allowed to succeed itself without the intervention of some business." The House decided that it could not.

On motion of Mr. Abbott of Hill, the House adjourned until 9 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, May 24, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees.—Messrs. Johnson, Tinsley, and Weaver, of Johnson.

Messrs. Youngkin, Johnson, Tinsley, and Weaver, of Johnson, were excused from attendance.

On motion of Mr. Cooper, the reading of the journal for yesterday was dispensed with.

Mr. Schutze, Chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, May 23, 1870.

To the HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee, to whom was referred a petition from the officers of Refugio county, praying your honorable body that the County Court of said county be authorized to levy a special tax, direct me to report the acompanying bill, and recommend its passage.

Respectfully,
JULIUS SCHUTZE,
Chairman of Committee on State Affairs.

COMMITTEE ROOM,
Austin, Texas, May 23, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your committee, to whom was referred the petition of Eveline L. Defee and George W. Thompson, praying your honorable body to change the name of Mary Jane Thompson to Mary Jane Defee, direct me to report the accompanying bill, and recommend its passage.

Respectfully,
JULIUS SCHUTZE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, May 23, 1870.

To Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred a

bill to incorporate the "Texas Mutual Life Insurance Company," beg leave to report that they have carefully examined the same and recommend its passage without amendments.

Respectfully,
JULIUS SCHUTZE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, May 23, 1870.

To the HON. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom was referred a memorial from the police court of Gonzales county, accompanied by a petition from a number of citizens of said county, praying your honorable body that the aforesaid police court be authorized to levy a special tax of twenty-five cents, beg leave to report the annexed bill and recommend its passage.

Respectfully,
JULIUS SCHUTZE,
Chairman of Committee on State Affairs.

COMMITTEE ROOMS,
Austin, May 23, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your committee, to whom was referred a memorial from the Police Court of Bastrop county, praying your honorable body to be authorized to levy a special tax, have had the same under consideration, and instruct me to report the annexed bill and recommend its passage.

Respectfully,
JULIUS SCHUTZE,
Chairman of Committee on State Affairs.

COMMITTEE ROOMS,
Austin, May 23, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred a bill to incorporate the Screwmen's Benevolent Association of Galveston, Texas, direct me to report said bill and recommend its passage.

Respectfully,
JULIUS SCHUTZE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, May 23, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom was referred a petition of Ellis Benson, a veteran of the army of Texas, praying that a pension be granted to him, beg leave to report that they have carefully examined the same, and recommend the passage of the accompanying bill, which covers this and all similar cases.

Very respectfully,
JULIUS SCHUTZE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, May 23, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred a petition from citizens of Fort Bend county, praying your honorable body to incorporate the Richmond Relief Dramatic Club, of Richmond, Fort Bend county, have had the same under consideration, and beg leave to report the accompanying bill and recommend its passage.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

Reports read and bills passed to order of the day.

Mr. Schutze, Chairman of Committee on State Affairs, also submitted the following report:

COMMITTEE ROOM,
Austin, Texas, May 23, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on State Affairs to whom was referred a bill to incorporate the Waco Lodge No. 92, Ancient, Free and Accepted Masons, direct me to report said bill and recommend its passage.

Respectfully,
JULIUS SCHUTZE,
Chairman of Committee.

On motion of Mr. Crudup, the rules were suspended to take up the foregoing report and bill entitled "An Act to incorporate the Waco Lodge No. 92, Ancient, Free and Accepted Masons."

Bill read second time.

Mr. Plumley moved to strike out the words "and alter the same at pleasure." Lost.

On motion, the bill was ordered to be engrossed and read third time.

On motion of Mr. Schutze, he was granted leave to introduce a report, at any time during the day, in regard to the removal of the remains of General Sam Houston.

Mr. Tegener, chairman of Committee on Indian Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, May 24, 1870.

HON. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Indian Affairs and Frontier Protection, to whom was recommitted House Bill No. 83, entitled "An Act to provide for the protection of the frontier," have had the same under consideration. Your committee have the highest confidence in the general commanding the United States military forces in this department, and desire to give him credit for all he has done, and is now doing, with the insufficient force under his command, to protect our frontier from the incursions of barbarous Indians, but while it is true that General Reynolds is exerting every effort to protect our frontier, it is no less true that he has not a sufficient force at his command to effectually accomplish this object; therefore, in order to give to the General Commanding the necessary assistance in his praiseworthy efforts to protect the lives and property of our suffering citizens on the frontier, we report back the accompanying bill and recommend its passage.

Respectfully,

FRITZ TEGENER,
Chairman Committee.

On motion of Mr. Locke, the rules were suspended for the consideration of the report and substitute offered by the Committee on Indian Affairs. Substitute read.

Mr. Burnett moved that the substitute be printed, and with the bill be made the special order of the day for Thursday next at 10 o'clock A. M.

By leave, motion was withdrawn.

Mr. Cole moved to amend by striking out the word "twenty" and inserting the words "thirty-two" before the word companies in Section 1 of the substitute.

Pending the motion to amend, Mr. Youngkin announced the death of the Hon. W. T. Wilkinson, representative from the 25th District, and moved that a committee of three be appointed to draft resolutions expressing the sense of the House, and that the House do now adjourn until 2 o'clock P. M. to-morrow, in respect to his memory. Carried.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, May 25, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Abney, Davis, Ellis, Haswell, Stirman, Spencer, Van Noy, Williams of Colorado, H. R. Allen, Johnson, Manning and Sinclair.

Messrs. Abney, Stirman, Haswell, H. R. Allen, Johnson and Manning were excused from attendance on account of illness.

On motion of Mr. Franks, the rules were suspended to allow the committee appointed to draft resolutions in regard to the death of the Hon. W. T. Wilkinson, late Representative from the twenty-fifth district, to submit the following resolutions:

COMMITTEE ROOM, Austin, May 25, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee appointed to draft resolutions of condolence and sympathy relative to the death of the Hon. W. T. Wilkinson, member of the House of Representatives from the twenty-fifth district, respectfully submit the subjoined preamble and resolutions:

WHEREAS, The Hon. W. T. Wilkinson, a fellow-member, has, by the Giver of All Good, been removed from amongst us, and while we greatly miss him in this House, we trust he now dwells in that "House, not made with hands, eternal in the Heavens," therefore be it

Resolved, That we do most sincerely regret the death of our co-laborer, W. T. Wilkinson, as a member of the State Legislature, and by his demise we are again forcibly reminded that "in the midst of life we are in death." Be it further

Resolved, In the absence of a devoted wife and an affectionate child, who are residing in a distant State, and far removed from the last resting place of our deceased associate, that this body attend his funeral, and that the members wear the usual badge of mourning for thirty days. Be it further

Resolved, That the Speaker of the House be instructed to forward to the widow of the deceased a copy of this preamble and these resolutions.

H. C. YOUNGKIN,
L. W. COOPER,
F. G. FRANKS,
Committee.

Resolutions read first and second times.

On motion of Mr. Plumley, the resolutions were adopted.

On motion of Mr. Franks, the House adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, May 26, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; quorum present.

Absent—Mr. Manning.

On motion of Mr. Tegener, the reading of the journal for yesterday was dispensed with.

Mr. Burnett moved a suspension of the rules for the immediate consideration of Senate bill No. seventy-four, entitled "An Act to appropriate fifteen thousand dollars for the payment of contingent expenses of the Twelfth Legislature." Lost.

On motion of Mr. Hughes, the rules were suspended for the immediate consideration of House bill No. eighty-eight, entitled "An Act to provide for the protection of the frontier of the State of Texas."

The question pending at adjournment May 24, 1870, being upon the amendment offered by Mr. Cole, to insert the words "thirty-two" in place of the word "twenty" before the word "companies," in section one of the substitute, by leave of the House, the amendment was withdrawn.

Mr. Hughes moved to amend section one of the substitute by inserting the words "and medical officers" after the word "Lieutenants." Withdrawn by leave of the House.

Mr. Hughes moved to amend section one by inserting the words "and medical officer" after the word "Captain." Carried.

Mr. Butler moved to amend section two by inserting the words "officers and" before the word "men," and to strike out all after the word "State." Carried.

On motion of Mr. Tegener, section four was amended by striking out the words "two thousand" and inserting in place thereof the words "fifteen hundred."

[Mr. Plumley in the chair.]

Mr. Evans moved to add to the end of section five, as follows: "And the cost of horses so killed in action shall be determined by a board of officers, to be composed of the Captain, Lieutenant and medical officer of the company to which such animals belonged." Carried.

Mr. McLean moved to add to the end of section seven as follows: "In case the Governor deems such action necessary for the protection of the frontier." Carried.

Mr. Hughes moved to amend section thirteen by striking out the word "who" and inserting the words "and that the Governor." Carried.

Mr. Evans moved to insert after the word "horses," in section

eight, the words "or arms," and to add after the word "company" the words "while in the service of the State." Carried.

On motion of Mr. Moore of Red River, the substitute as amended was adopted.

On motion of Mr. Evans, the bill was ordered to be engrossed and read the third time.

On motion of Mr. Evans, the rules were further suspended to put the bill on its third reading.

Bill read third time and passed by the following vote, the yeas and nays being called for by Messrs Ross, Tegener and Zoeller:

Yeas—Messrs. Speaker, Austin, Abney, Abbot of Austin, H. R. Allen, R Allen, Abbott of Hill, Becton, Butler, Burley, Burnett, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller—81. Nays—None.

[Speaker Evans in the Chair.]

On motion of Mr. Camp, the rules were suspended to allow him to offer the following resolution:

WHEREAS, The Hon. Emory Rains being in the city, and in consideration of his distinguished services as a statesman and citizen from the earliest dawn of the Republic up to the present time, be it

Resolved, That the House of Representatives hereby cordially tender him a seat in the hall, and extend to him the courtesies of the House, and that the Secretary furnish him a copy of this resolution.

Resolution read first and second times and, on motion of Mr. Tegener, was adopted.

On motion of Mr. Schutze, the rules were suspended to allow him to introduce his report, as chairman of Committee on State Affairs, relative to the removal of the remains of Governor Sam Houston.

By leave, Mr. Schutze withdrew his report.

On motion of Mr. Franks, the rules were suspended for the consideration of Senate bill No. 74, entitled "An Act to appropriate fifteen thousand dollars for the payment of contingent expenses."

Bill read first time.

Mr. Sinclair moved a further suspension of the rules to allow the second reading of Senate bill No. 74.

The yeas and nays were demanded by Messrs. Hughes, McLean and Burnett, and stood:

Yeas—Messrs. Austin, Abbott of Austin, Richard Allen, Becton, Butler, Burley, Burnett, Cooper, Cotton, Credup, Cole, Camp, Cox, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, George, Harn, Hamilton, Johnson, Jenkins, Kendall, Lane, Locke, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Posey, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller —62.

Nays—Messrs. Abney, H. R. Allen, Abbott of Hill, Chambers, Ellis, Hughes, Hawkins, Kyle, Lacy, Leonard, McLean, McKee of Fannin, Moore of Red River, Pierson, Robb, Ross, Spencer —17.

So the House refused to suspend the rules, four-fifths of the members not having voted in favor of the same.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, May 24, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have this day presented "House Joint Resolution No. 3," and "House Joint Resolution No. 4," to the Governor, and asked his approval and signature.

W. G. ROBINSON,
Chairman.

Report accepted.

Mr. Cooper presented a petition from citizens of Houston, Walker and Trinity counties, asking the creation of a new county.

Read and referred to Committee on Counties and County Boundaries.

Mr. Hughes presented the following protest, and asked that it be spread on the journal:

Now whereas, Be it remembered that the undersigned members disapprove of the action of this House on the twenty-first instant, in forcing upon its final passage, through a movement of the previous question, "House Bill No. 29," entitled "An Act to Provide for the Enrollment of the Militia, the Organization and Discipline of the State Guards, and for the Public Defense;" when, before and at the

time said bill was put upon its final vote, there were several members of this House who had never been allowed an opportunity to discuss the same, then present, desiring and claiming the right to be heard thereon; that said bill was, on said day, forced upon its final passage without any free discussion being allowed thereon; that we regard this action as the wrongful act of a majority, and one that is unparliamentary, unprecedented, and in direct violation of House rule No. 19, and the Constitution of the State; that section 24, of said State Constitution declares "that no bill shall have the force of a law until on three several days it be read in each House, and free discussion be allowed thereon;" unless, in case of great emergency, four-fifths of the House in which the bill shall be pending, may deem it expedient to dispense with this rule;" that on the particular instance in question, no such four-fifths had deemed it expedient to dispense with said rule.

Wherefore we dissent from this wrongful proceeding, and earnestly enter this our protest against the same; and, for the reasons above set forth, (which we assert to be true,) we declare that said bill can not, and of right ought not to have the force of law, that we ask this protest be spread upon the journal of this House.

Respectfully,

WM. E. HUGHES,
W. P. McLEAN,
B. B. LACY,
A. F. LEONARD,
J. C. JENKINS,
J. G. SMYTH,
F. KYLE,
J. E. HAWKINS,
JO. ABBOTT,
J. W. POSEY,
JOHN P. AUSTIN,
S. S. WEAVER,
W. B. STIRMAN,
J. W. LANE,
B. S. SHELBURNE,
J. R. McKEE,
J. R. COLE,
H. C. ELLIS,
E. P. BECTON,
T. E. ROSS,
J. H. MILLER,
W. C. PIERSON,
Sixth District,
J. C. WEAVER

The Speaker laid before the House a petition signed by citizens of Winnsborough, in Wood and Titus counties, asking that the town be incorporated.

Read and referred to Committee on Town and City Corporations.

Mr. Sinclair presented a petition from officers of Brazoria county, asking that a special tax be levied.

Read and referred to Committee on State Affairs.

Mr. Young, chairman of Committee on Internal Improvements, submitted the following reports:

COMMITTEE ROOM,
Austin, May 23, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred a bill introduced by the Hon. W. Sheriff, entitled "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston," having carefully examined the same, would recommend that the seventh section of said act be stricken out, and that this being done, said act do pass.

Very respectfully,

H. W. YOUNG,
Chairman of Committee.

COMMITTEE ROOM,
Austin, May 23, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred a bill introduced by the Hon. W. H. Sinclair, entitled "An Act granting to the Galveston Wharf Company the right to make railroad connection with their wharves and the railroads entering the city of Galveston," having carefully examined the same, have instructed me to report favorably upon said bill and to recommend its passage. Very respectfully,

H. W. YOUNG,
Chairman of Committee.

Reports read and bills passed to orders of the day.

Mr. Camp, chairman of Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, May 26, 1870.

HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on the Public Lands and the Land Office, to which was referred the petition of the city of Indianola, after ex-

amination of the proofs adduced and upon due consideration, beg leave to respectfully report as follows:

Your committee have examined the law and the decisions of the Supreme Court, and find, in Texas Reports, vol. xxiii., p. 349 et seq., the following points decided bearing upon this case. We quote from the synopsis of the decision in the case of the city of Galveston vs. Menard, as follows:

"By the civil law, the shores of the sea, bays and rivers belong to the nation that possesses the country of which they are part. But, while they are of the class of public things, common to all, to which no exclusive right will ordinarily be granted, yet it often happens that the public use may be promoted by allowing portions of them to become private property.

"The Legislatures of the several States may grant it, if not appropriated by prescription or otherwise; provided it does not infringe upon the power of the United States 'to regulate commerce with foreign nations and among the several States.'

The shore of a sea or bay, as defined by the civil law, is the line of the highest tide in winter. By the common law, an ordinary grant of land upon a bay is limited to the line of ordinary high tide.

"The city has the right to open the streets to the channel unless it has lost it by prescription.

"The rights growing out of the dedication of a street vest in the town and its citizens, and are to be protected by them for the public against the operation of the statute of limitations or the presumptions arising from adverse claim and possession, as they apply in cases of private right or public easements.

"As a consequence of the character of property in a street, or other common property, nothing short of a visible appropriation of it, to the exclusion of the public, except at the discretion of the owner, can be held to be adverse."

Your committee is of opinion that the State should hold and exercise exclusive proprietorship over the flats in question, unless the same has been lost by grant or statute, of which we find no evidence, or lost by prescription, of which alone the courts can determine, and the Legislature has the unquestionable right to control the interests possessed by the State, and is bound, in justice to the people, to so provide that these rights shall be so administered as to produce the greatest good to the greatest number. Hence it is deemed safer and more conducive to the public welfare that the control and administration of the flats pertaining to the State shall be ceded and conferred upon the city of Indianola rather than to any person, company or corporation in the nature of a monopoly. In view of these facts your committee recommend a substitute for the bill referred to

them, herewith returned, and urge its passage, the same embodying the views expressed in this report.

L. B. CAMP,
L. W. COOPER,
B. B. LACY,
H. MOORE,
ROBERT ZAPP,
JNO. R. LYONS,
J. R. COLE,
Committee.

Report read and bill passed to orders of the day.

A message was received from the Senate, announcing that that body had passed Senate Bill No. 58, entitled "An Act to incorporate the Galveston Horticultural Society," and asked the concurrence of the House in the same; also, that the Senate had passed House Joint Resolution No. 1, "to instruct our Senators and request our Representatives in Congress to urge the passage of a bill for the protection of the frontier of Texas."

Mr. Plumley, Chairman of Committee on Commerce and Manufactures, submitted the following reports:

COMMITTEE ROOMS,
Austin, May 25, 1870.

Hon IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House Bill No. 21, "An Act to incorporate the Texas Banking and Insurance Company of Galveston," beg leave to report the same with amendment, and recommend its passage.

Respectfully,
B. RUSH PLUMLEY,
Chairman Committee on Commerce and Manufactures.

COMMITTEE ROOMS,
Austin, May 25, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House Bill No. 22, "An Act to incorporate the Pittsville Cotton Manufacturing Company of Fort Bend county," beg leave to report the same without amendment, and recommend its passage.

Respectfully,
B. RUSH PLUMLEY,
Chairman Committee on Commerce and Manufactures.

COMMITTEE ROOM,
Austin, May 25, 1870.

To Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House Bill No. 61, "An Act to incorporate the Lake City Cotton and Wool Manufacturing Company," beg leave to report the same without amendment, and recommend its passage.

Respectfully,
B. RUSH PLUMLEY,
Chairman Committee on Commerce and Manufactures.

COMMITTEE ROOM,
Austin, May 26, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House Bill No. 134, "An Act to promote and encourage manufacturing in the State of Texas," beg leave to report said bill without amendment, and recommend its passage.

Respectfully,
B. RUSH PLUMLEY,
Chairman Committee on Commerce and Manufactures.

COMMITTEE ROOM,
Austin, May 25, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House Bill No. 154, "An Act to amend an act to incorporate the Caddo Lake Company," approved Nov. 1, 1864, beg leave to report the same without amendment, and recommend its passage.

Respectfully,
B. RUSH PLUMLEY,
Chairman Committee on Commerce and Manufactures.

Reports read and bills passed to orders of the day.

Mr. Slaughter, Chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,
Austin, May 25, 1870.

HON. IRA H. EVANS,
Speaker of the House of Representatives of the State of Texas:

SIR: Your Committee on Finance, to whom was referred a peti-

tion of many citizens of the county of Hunt, praying that Robert S. S. Henderson, a cripple, be exempted from the special State tax upon his pursuit, respectfully report that the case appears to be one which will justify the exemption of the party from the State tax, and the committee directs me to report the following bill.

Respectfully,

SLAUGHTER,
Chairman of Committee.

Report read and bill passed to orders of the day.

Mr. Butler, Chairman of Committee on Penitentiary, submitted the following report:

ROOM OF COMMITTEE ON PENITENTIARY,
Austin, May 25, 1870.

HON. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Penitentiary, to whom was referred House Bill No. 142, entitled "An Act requiring the Superintendent of the Penitentiary to set apart and enclose a suitable ground for the burial of convicts," instruct me to report the bill back to the House with a recommendation it do pass.

J. P. BUTLER,
Chairman of Committee on Penitentiary.

Report read and bill passed to orders of the day.

Mr. Morrison, Chairman of Committee on Militia, submitted the following report and resolution:

COMMITTEE ROOM,
AUSTIN, May 26, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Militia, to whom was referred a resolution for the members of the House to furnish a report of all lawlessness and crime in their districts, offered by Mr. Abbott, of Hill, beg leave to report the following substitute, and ask its adoption.

J. H. MORRISON,
Chairman.

Resolved, That the Committee on Militia be required to investigate the amount of lawlessness and crime throughout the State, with power to send for persons and papers and to take evidence, and report by bill, or otherwise, to the House.

On motion of Mr. Abney the rules were suspended for the immediate consideration of the substitute offered by the Committee on Militia.

Resolution read first and second times.

Mr. Slaughter offered the following amendment:

Add to the resolution, "Provided the names of no witnesses shall be given to the public."

Mr. Abbott, of Hill, moved to reject the amendment.

The yeas and nays were demanded by Messrs. Leonard, Jenkins and Miller.

Mr. Weaver, of Hunt, moved to adjourn until to-morrow morning at 9 o'clock. Lost.

The yeas and nays resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Beeton, Cole, Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Posey, Robb, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—25.

Nays—Messrs. Abney, Allen H. R., Allen Richard, Butler, Burley, Burnett, Chambers, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, George, Harn, Hamilton, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—53.

So the House refused to reject the amendment.

Mr. Burnett offered the following amendment to the amendment.

Add to amendment as follows: "Without their consent."

On motion of Mr. Burnett, the amendment to the amendment was adopted.

The question recurring upon the adoption of the amendment, as amended, it was adopted.

Mr. Burnett moved the previous question.

Previous question sustained.

The question then recurring, "Shall the main question be now put?" the main question was ordered.

The main question being upon the adoption of the resolution as amended, the yeas and nays were demanded by Messrs. Hughes, Lacy and Abney, and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Gardiner, George, Harn, Hamilton, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Robb, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—52.

Nays—Messrs. Abbott of Hill, Becton, Chambers, Cole, Ellis, Franks, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Posey, Pierson, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—26.

So the resolution, as amended, was adopted.

Mr. Burnett moved that a committee of three be appointed to confer with a like committee of the Senate in regard to establishing a regular hour for convening both houses. Carried.

The Speaker appointed Messrs. Burnett, Schutze and McLean, as such committee.

On motion of Mr. Camp, Mr. Manning was excused from attendance indefinitely.

Mr. Tegener moved that the House adjourn until 9 o'clock A. M. to-morrow. Lost.

The Speaker put the following question to the House, "Shall a motion to adjourn to a certain time specified be allowed to succeed itself without the intervention of some business. The House decided it could not.

On motion of Mr. Locke the House adjourned until 10 o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
Austin, Texas, May 27, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Stirman, and Williams of Colorado.

Journal of yesterday read and adopted.

Messrs. Stirman and Williams of Colorado were excused from attendance.

The Speaker laid before the House an invitation to attend the "Second German Volks Fest," to be held on the eighth and ninth of June at Houston, Texas.

On motion of Mr. Burnett the invitation was referred to the Committee on State Affairs.

Mr. Morrison, Chairman of the Committee on Militia, submitted the following report:

COMMITTEE ROOM,
Austin, May 26, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Militia, to whom was referred House bill No. 80, entitled "An Act to Establish a State Police, and Provide for the Regulation and Government of the Same," have had the same under consideration, and instruct me to report the bill back to the House, with the recommendation that it pass, and also that two hundred copies be printed for the use of the members of the House.

JOHN H. MORRISON,
Chairman.

Report read, and bill passed to orders of the day.

Mr. Leonard submitted the following minority report:

COMMITTEE ROOM,
Austin, May 27, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The undersigned, a minority of the Committee on Militia, would most respectfully dissent from the majority report on House bill No. 80, entitled "An Act to Establish a State Police," and protest against the passage of the same; all of which is most respectfully submitted.

A. F. LEONARD.

Mr. Jenkins requested that the following protest be spread on the journals:

A PROTEST

Against the passage of the act entitled "An Act to provide for the enrollment of the Militia, the organization and discipline of the State Guards, and for the public defense."

I solemnly protest against the passage of this act.

1. Because it provides for the elevation of the military above the civil authority, by the act of the Governor of the State.

Section seventeen of the State Constitution, which we are sworn to observe, declares the military shall at all times be subordinate to the civil authority.

2. It does this by authorizing the suspension of the civil law, in the twenty-fifth section of the act. The constitution, in cases of rebellion or invasion, authorizes the suspension of the writ of habeas corpus. But the suspension of that writ is not a suspension of civil law, except to that limited extent; and in no case can the Governor ever lawfully suspend even this branch of civil law.

First. Because the Constitution confers the power to do so upon the Legislature alone.

Second. No Legislative power can be delegated. All the decisions of all English and American courts have uniformly declared the maxim, "Delegatum est non delegare."

Third. The Governor is made Commander-in-Chief of the Militia, unless they are called into the service of the United States. See Constitution, article six, section five.

But the power to raise and support armies is vested exclusively in the Federal Government. See paragraph thirteen, section eight, Constitution of the United States.

The organization and discipline of the State Guards, and the provision for their pay, is the raising and support of an army in each and every particular that characterizes an army.

4. Section fourteen, article fourteen, Constitution of the State, declares that "the Governor shall hold no office, civil or military, except that of Governor." To be Governor is to be Commander-in-Chief of the Militia. But to be Commander-in-Chief of the State Guards, organized, disciplined and paid (as distinguished from the Militia) is to hold an office strictly military. It is no answer to say that the Militia and State Guards are one and the same; and that authority to command the one embraces authority to organize, discipline and command the other. Because the act itself makes and recognizes the distinction, broad and patent upon its face.

5. Article seven, section one, authorizes the Governor to call out

the militia to "suppress insurrection or repel invasion." The Legislature is not authorized to call them out in any event, nor can the Governor, except for the purpose named in the constitution. No one, no power, can lawfully call out the militia in case merely of "resistance of civil process, or breach of the peace, or imminent danger thereof," as provided in the twenty-sixth section of this act. To execute civil process or preserve the peace is a civil and not a military proceeding. The officers of the law have the right, in such necessary cases, to summon a *posse comitatus*. But under this act the Governor can call out all the militia and deploy the whole standing army of "State Guards," should A insult B or should C and D have a controversy relative to the proper branding of a calf.

6. The constitution, section nineteen, article twelve, declares that "taxation shall be equal throughout the State." Yet the twenty-sixth section of this act authorizes a special levy of taxes on any one county where the laws are suspended, and makes the Governor the Legislative power to provide laws governing its assessment and collection.

7. The twenty-seventh section also delegates the law making power to the Governor. All of which is contrary to the universal maxim, "that which is delegated to the Legislature by the constitution cannot be delegated by them to another branch of the Government."

8. The body of the act and the whole theory of its operation is at war with the constitution of the State, and directly in the teeth of that of the Federal Government, which latter has an army already in our borders, and can increase it at will whenever occasion requires to maintain civil authority.

It is also a reckless and even ridiculous assault upon all English and American traditions of personal liberty and private rights, denies trial by jury and substitutes military tribunals, empowering the Governor to defy the constitution which he and the Legislature are sworn to support, and invites him to trample upon constitutional law which he promises to see faithfully executed.

He can and will accept no "attorneyship" which empowers him to destroy the organic law of Texas and disregard that of the Federal Union.

J. C. JENKINS,
Twenty-eighth District.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 26, 1870.

To HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on County and County Boundaries, to whom was referred "An Act to authorize the County or Police Court of Hays County to levy and collect a special tax, praying that said tax should be appropriated to building and repairing the courthouse and jail in said Hays county," has had the same under consideration, and most respectfully beg leave to make the following report:

That House bill number blank, providing for the various counties in the State of Texas to levy and collect a special tax makes the provisions desired in this bill.

Therefore, your Committee returns this bill, and recommends the passage of said blank bill.

COOPER,
Chairman.

Report read and bill passed to order of the day.

Mr. McKee, of Guadalupe, Chairman of Committee on Claims and Accounts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 20, 1870.

To HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee to whom was referred a bill entitled "An Act making an appropriation to pay the widow and heirs of W. A. Smith, deceased, for services rendered the State," beg leave to report the same back to your honorable body, and recommend its passage. Your Committee find, from satisfactory evidence submitted to them, that all the facts recited in said bill are true; and, regarding the said claim as just, recommend that the bill pass and the appropriation be made.

J. F. McKEE,
Chairman of Committee on Claims and Accounts.

Report read and bill passed to orders of the day.

Mr. Franks, Chairman of Committee on Privileges and Elections, submitted the following report:

COMMITTEE ROOMS,
AUSTIN, May 24, 1870.

To HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred House bill No. 115, entitled "An Act to establish a system

of registration," have had the same under consideration, and, after a careful examination, instructed me to report as follows:

That from the great number of illegally registered voters in Cameron and other counties, your Committee are of the opinion that section six, which provides that persons holding certificates of registration had and obtained from the Board of Registration appointed under the late provisional government of Texas, shall not be required to register in order to entitle the applicant to vote at the next ensuing election, would be an encouragement for fraud, thereby creating trouble and confusion at said election. Therefore, would respectfully recommend that said section six be entirely stricken out and section seven be inserted instead. After which, your Committee ask the prompt and immediate passage of the bill, as a great necessity exists therefor.

F. G. FRANKS,
Chairman.

Mr. Franks moved a suspension of the rules for the immediate consideration of the report and bill.

Rules not suspended.

Report read and bill passed to orders of the day.

On motion of Mr. Sinclair it was ordered that the bill be printed and laid on the desks of the members for their information.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, May 27, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined and compared House Bills Nos. 129 and 140, and find the same to be correctly engrossed.

C. J. STOCKBRIDGE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, May 27, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills, to whom was referred House Bill No. 88, beg leave to report that the same has been carefully examined and compared, and the committee report the same back to the House as correctly engrossed.

C. J. STOCKBRIDGE,
Chairman Committee on Engrossed Bills.

Reports accepted.

Mr. Sinclair, Chairman of Committee on Education, submitted the following reports:

COMMITTEE ROOM,
Austin, May 26, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Education, to whom was referred a memorial from citizens of Round Rock, Williamson county, and a bill drawn in accordance therewith, to prohibit the sale of intoxicating liquors within four miles of Greenwood Masonic Institute in said county, have had the same under consideration and herewith report the accompanying bill as a substitute for the one referred to them, and recommend its passage. Respectfully,

WM. H. SINCLAIR,
Chairman.

COMMITTEE ROOM,
Austin, May 26, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Education, to whom was referred a petition from citizens of Pittsburg, Upshur county, Texas, asking that the sale of intoxicating liquors be prohibited within five miles of Pittsburg Institute, in said county, have had the same under consideration, and beg leave to submit the accompanying bill and recommend its passage.

Respectfully,

WM. H. SINCLAIR,
Chairman.

COMMITTEE ROOM,
Austin, May 26, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Education, to whom was referred a bill to revive an act, and to amend the first section thereof, incorporating the Burnett Male and Female Academy, approved October 19, 1866, respectfully report said bill as referred to them, without amendment, and recommend its passage.

Respectfully,

WM. H. SINCLAIR,
Chairman.

Reports read and bills passed to orders of the day.

Mr. Cox moved a suspension of the rules for the consideration of

the report of the chairman of the Committee on Education, with accompanying bill entitled "An Act to revive an act and amend the first section thereof incorporating the Burnett male and female academy."

Rules not suspended.

Mr. Burnett, chairman of Special Committee, appointed to act in conjunction with a committee of the Senate, in regard to the hours of meeting of the Senate and House, offered the following resolution:

Resolved, That the Senate and House of Representatives meet each morning at ten o'clock for the transaction of business.

Resolution read first and second times, and on motion of Mr. Burnett the resolution was adopted and committee discharged from further consideration of the subject.

Mr. Morris offered the following resolution:

WHEREAS, the business on the Speaker's table has accumulated, and the pressure of other business of the House prevents the reaching of the business on the Speaker's table, therefore

Resolved, That the House hereafter hold a night session, beginning at eight o'clock P. M., to consider and act on all business on the Speaker's table only.

Mr. Harn moved to lay the resolution on the table.

The yeas and nays were demanded by Messrs. Slaughter, Schutze and Locke, and stood:

Yeas—Messrs Abbott of Austin, Allen R., Abbott of Hill, Butler, Burley, Burnett, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Dupree, Davis, Ellis, Franks, George, Harn, Hamilton, Haswell, Hawkins, Johnson, Kendall, Lane, Lyons, Moore of Harrison, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Prissick, Robb, Robinson, Ross, Schutze, Sheriff, Sinclair, Tegener, Tinsley, Van Noy, Williams of Walker, Weaver of Johnson, Youngkin, and Zapp—45.

Nays—Messrs. Austin, Abney, Allen H. R., Becton, Bonner, Cox, Dorris, Gaston, Gardiner, Hughes, Jenkins, Kyle, Lacy, Leonard, Locke, Morrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Posey, Pierson, Plumley, Schlickum, Schlotman, Simmons, Slaughter, Smyth, Stockbridge, Shelburne, Spencer, Weaver of Hunt, York, Zoeller—34.

So the resolution was laid on the table.

Mr. Zapp, on behalf of select committee to visit the State Fair, submitted the following report:

REPORT OF THE SELECT COMMITTEE OF THE LEGISLATURE ON THE STATE FAIR OF TEXAS.

To the Senate and House of Representatives of the State of Texas:

On the day which terminated the first grand State Fair of Texas, an event occurred in France which, by a happy coincidence, illustrates the views of the wisest statesman either of the Republic of America or the Empire of France as to the true ends and objects of human governments when administered in the interests of the people.

On that day which terminated in the complete triumph of the First Grand Agricultural and Mechanical Exposition of the State of Texas, the Emperor of France met the legislative bodies in solemn assembly to receive the result of action of the eight millions of French voters who had just pronounced in favor of peace and prosperity.

On that august occasion Napoleon congratulated the people upon the signal evidence afforded by their votes of "their continued confidence in universal suffrage," and pledged himself to labor "to diffuse instruction;" to introduce into the code "ameliorations in favor of the agricultural interests, and to develop the public works." "Such," he adds, "is our programme, which, if realized, will increase the progress of civilization."

Your committee would respectfully represent that if an imperial government, which, within this week, formally announces a programme "in favor of the agricultural interests and public works," as best calculated to "increase the progress of civilization" and "the grandeur and glory of France," that, in a government like our own upon this continent, claiming to be a government of the representatives of all the people, such a programme, "in favor of the agricultural interests, the public works," and the development of mechanical skill of Texas, is not unworthy the grave legislative consideration of your honorable body. The happiness and wealth of a people, whether living under an empire or a republic, and the "increased progress of civilization" itself, is absolutely dependent upon fostering and encouraging "the agricultural interests," which lie at the foundation of a nation's life, "the development of public works," and the mechanical appliances necessary for that development.

Such is the grand object of a wise government: the development and encouragement of those great interests which most contribute to the happiness, the wealth and the prosperity of those represented by that government. It was to develop these great material interests in Texas that the projectors of the "Agricultural, Mechanical and Blood Stock Association" organized the First Grand State Fair. It

was because the representatives of the people, now assembled at the State Capitol, fully recognized the true objects of a government claiming to be republican, to be the fostering and encouragement, by all appropriate legislation, of the grand purposes of the State Fair, which looked to the development of the agricultural, mechanical and stock-raising interests of our people. It was, we say, because this Legislature was in full sympathy with the grand objects of the First State Fair of Texas, that this committee was honored with an appointment to visit and report upon the same to your honorable body.

Your committee has discharged the duty of visitation, careful examination and inspection of the various departments of industry wherein Texas was, for the first time, brought into practical competition with the skill and genius and industries of other States, and herewith respectfully submit their report:

We found that on an area of six enclosed acres, with an ample amount of fire-proof shedding to give complete protection from the elements of fire and water, within twenty feet of a railway, and the same distance from tide-water navigation, the Association had filled this vast space with a collection of agricultural, mechanical and blood stock exhibits from the various counties of Texas, and especially the more advanced States of the Northwest, as never before had been seen in such variety, and quantity and quality, in Texas. For days every avenue of approach, by rail and steamboat and wagon was crowded with visitors, manifesting the deep interest felt by our people in the great objects of the exposition. Ten thousand persons was the least estimate, at one time, of the assembled multitude; and the remarkable order, decorum, sobriety, and the absorbing interest manifested in the progress of the exhibition was a subject of favorable comment and surprise, manifested by the exhibitors and numerous strangers from other States.

Exhibitors at the First Annual State Fair of Louisiana, and other disinterested judges of such occasions, were free to express the opinion that the First State Fair of Texas had surpassed the first of this our sister State in all the elements of unquestioned success; and of twenty-six fairs in other States, it was the observation of an experienced and disinterested observer who had been in attendance upon the same, that it had not been surpassed by any one of the twenty-six, in the variety and excellence of the exhibits, nor the deep interest of the assembled thousands.

Your committee will not attempt a prolix report of minute details that might be inappropriate and tedious. The deepest interest is doubtless felt in the result of the exhibit of staples and productions of Texas growth, and of machinery and implements and fabrics of exclusive Texas manufacture.

Some twenty thousand copies of the official report of the result of the awards, and the articles exhibited, will be circulated in all the counties of Texas by the enterprising managers of the Fair Association, and it would be inappropriate to here give but a brief resume of what was demonstrated to be a triumph of Texas culture, skill, mechanical genius and industry.

In diversity of productions of our varied soil and climate, ranging through several degrees of latitude and longitude, the result of the exhibition demonstrated that Texas absolutely surpassed all other States in this Union; and that in all articles of home consumption, including the necessities and luxuries of civilized existence, both in food and clothing, our beloved State had all the essentials to maintain an unlimited population, without the necessity of importing from abroad a single article (save coffee,) demonstrating that with capital and skilled labor Texas could become a vast exporting State, without the necessity of exchanging productions to maintain the balance of exchange, and insuring to our people who labor sources of wealth surpassing the mines of California. Texas sugar, Texas corn, oats, barley and rice, Texas castor beans (which are becoming an attractive and profitable object of production), Texas peas of all varieties, potatoes, broom corn, tobacco, the Ramie plant, garden vegetables, productions of the Texas dairy, butter and cheese, native wines, rectified liquors and lager beer, demonstrated that, in variety and quality, our State was unsurpassed, the article of Texas flour alone taking the premium over the best and oldest brands of the Northwest.

Texas wools and cottons of all classifications; the Sea Island, the growth of Harris county, which had realized eighty-five cents gold per pound in the Galveston Cotton Market, being justly awarded the premium as unsurpassed by any similar staple of any Gulf or South Atlantic State.

After a resume of the Agricultural Department, the Texas manufactures next demanded our attention and report.

The result demonstrated that the products of our cotton and woolen factories, carding machines, shops for working wood, iron and leather, beef packeries, mills for grinding cotton seed and castor beans were represented. It is with unalloyed State pride and pleasure, that we announce that the Braunfel's woolen fabrics, and the Houston City cotton goods, including yarns, Lowell's and Osnabergs, not only distanced all competition, but at the Louisiana State Fair were awarded the premium as surpassing the textile fabrics of all other Southern States. This remarkable and unexpected result of the exhibit of our yet infant factories, both woolen and cotton, demonstrates an element of State wealth that calls for special mention.

Very recently there was an exposition of textile fabrics in Cincinnati. The association under whose auspices the exposition in that city was conducted, in its reported resolutions, spoke of "the unexpected and varied excellence of the goods sent from the South;" and the New York Times, calling attention to these indications of the growth of manufactures at the South, quotes from a tabular statement published in connection with this exposition, from which it appears "that Georgia has already twenty-one cotton mills, and North Carolina seventeen; Virginia and Tennessee have each ten; and Alabama, South Carolina, Mississippi, Texas and Arkansas all have more or less. The total is considerable. And it is only the beginning of a movement, the growth of which will be co-extensive with the wealth acquired from the crops. Before the war the planters' surplus was invested in slaves. Now, it finds its way into manufactures, which promises henceforward to be the popular form of investment, and the Southern people enterprisingly propose to be their own manufacturers."

The committee would add that this triumph of Texas factories has been achieved at an outlay and amid discouragements, resulting from a scarcity of skilled labor and other causes, that invokes the fostering legislation of your honorable body; and your committee is in the possession of valuable data, which when called for, will be appropriately referred to the Committee on Manufactures.

There was on exhibition the new textile, of indigenous growth, the ramie plant, for which the soil and climate of Texas has been proven to be peculiarly adapted. As this remarkable fibre will soon enter largely into the productions of our State, and prove to be an element of great wealth, special mention of it is necessary. The fibre on exhibition was white, soft and glossy, resembling floss silk, stronger than the best flax, and receives the most difficult dyes without injury. The numerous successful experiments of silk, woolen, lace, linen, and cotton manufacturers in several States, and still more extensively in Europe, have created a demand for this new and valuable staple far beyond the present production or means of supply. It is discovered that the ramie grown on the alluvial lands of the Lower Mississippi has a very long and exceedingly fine fibre, far superior to that grown in its native country, Java, and that the yield per acre is greater. In any of the more southern cotton States ramie can be harvested at least three times a year, and each harvest or cutting will produce between nine and twelve hundred pounds, making an average annual crop of about three thousand pounds of crude, unprepared fibre, worth at present in Europe ten cents, specie, per pound. In preparing the fibre for manufacturing purposes, it loses about one-half, increasing it in value to sixty-five cents per

pound. Thus it is apparent that ramie, requiring comparatively little tillage to produce such magnificent results, is the most profitable crop that the planter can cultivate.

The estimated value of the Texas cotton crop for 1869 is thirty million dollars, gold. We cannot forbear to reproduce the comments of a close observer, in connection with the subject of investments for our vast surplus state capital, suggested by our observations at this fair; a large proportion of this amount will be surplus for investment, as it will not be required by the planter to pay off debts. A comparatively small portion of it will be required for purchasing supplies for another year, for planters generally have profited by the lessons of the past, and have raised grain crops in addition to cotton.

"The Southern people, and especially the planters, are in a better condition financially than they have ever been since the war, for they are comparatively free of debt, and as there are no negroes to buy and no necessity of adding to their landed property, this vast sum of money can be devoted to building foundries, factories, mills, importing improved machinery, increasing our present means of transportation, opening new routes of commerce, and to the development generally of the resources of the country. Ten per cent. on two hundred and fifty millions, the value of the crop of 1869, is twenty-five millions, and even if this sum alone were expended in enterprises of the kind we have mentioned, in the sections where the cotton was raised, what a tremendous difference it would make; and if the system were kept up for a few years the South would soon become the most independent and richest country on the face of the earth."

But your committee must pass rapidly on in a feeble attempt to generalize amid the vast display of Texas mechanical skill. It is a fact as gratifying as unexpected that a Texas made buggy took the premium over the celebrated "Concord" of New Hampshire. This was the product of a Houston factory, and the award conferred by disinterested non-residents.

In furniture, cabinet joiner's and turner's work, upholstery, clothing, boots, shoes and saddlery, Texas took well deserved premiums, demonstrating a mechanical skill equal to any State, and worthy of home patronage.

In farm and plantation implements the Hempstead combination and the turning plow deservedly bore off the premium against the powerful competition of the Western and New England plows.

The stock department was represented by exhibits and blooded stock from other States especially, of great attraction. The deficiency from Texas demonstrated the necessity of the "Blood Stock Association" as a primary department of this State Fair.

Of the eight steam stationary engines on the ground two were of Texas manufacture, to-wit: the City of Houston. These specially arrested attention for their beauty of finish and perfection of mechanism. It affords us deep gratification to announce that a Texas steam engine took the chief *premium*.

There were Texas manufactured cigars from Texas tobacco; Texas provisions, cured and salted meats, lard, pork and beef, were of abundance and of superior excellence; also soaps, common bar and fancy.

The Art Department occupied an entire building, and the splendid specimens of the labors of the needle and the pencil demonstrated the artistic taste and proficiency of the fair women of Texas.

This report cannot close without special mention of a most magnificent display of rare exotics in the spacious floral pavilion, ornamented with a fountain.

The result demonstrates that this climate will, with the proper care, admit the reproduction of the most rare and beautiful creations of the floral kingdom. Texas is entitled to receive her *pro rata* of exotics from the national gardens at Washington, through her Federal representatives, and we would respectfully suggest the transmission of this *pro rata* to the most successful florist of the Southwest, Mr. Whitaker of Houston, for reproduction and propagation and State dissemination.

It is due to this association to state that among the awards for the second Texas State Fair in 1871, premiums of great value, both in money, gold and silver medals, and plate, are offered for Texas field crops of every department of agriculture. When an association of private citizens have thus successfully undertaken an enterprise of this State magnitude and benefit so fully calculated to stimulate production and industry, it is entitled to more than simple recognition by this Legislature, and should be placed in equal rank with such beneficent enterprises in all other States.

The advantages of such expositions have not been deemed unworthy the attention, governmental aid, and in fact control and management of the most enlightened and progressive nations in Western Europe. The world fairs of London and Paris, (at the latter of which especially all the States of the Union were represented but Texas) brought into comparison and competition the productions, fabrics and mechanical genius of the old and new worlds. England there discovered the superiority of the French loom, which resulted in a change of machines in all her factories.

It was at these international fairs that the great States of the Northwest furnished an exhibition of their mineral resources and wealth of soil, which aided in giving direction to the steady stream

of thrifty immigrants that have since made those States both wealthy and populous.

While we deem it the duty of the State government to foster and encourage her own State fair, Texas should not be unmindful that she has again re-entered the great family of American States and should at once take rank among the foremost in a generous and laudable emulation for rapid material development. Her sons should not only emulate each other in the exposition of the fruits of their industry and genius in their own annually recurring State fair hereafter to be held; but your committee would respectfully urge the appointment of a commission, by authority of your Legislature, to superintend the representation of Texas products, minerals and soils at the World Fair to be held in London the fall of this year, in order to aid in directing capital and labor to the inviting fields of the Southwest, which now, since the abrogation of slavery, is thrown open to the teeming nations of the older civilizations of what was once the homes of our ancestors.

We cannot close without tendering our acknowledgments for the extraordinary honors, courtesy and hospitality with which your official representatives were received by the State Fair directors, city authorities and citizens of Houston. Your official recognition of the first State fair was generously appreciated and taken as evidence that this Legislature is not only progressive in statesmanship, but earnestly desire to foster and encourage the great agricultural interests and mechanical arts, which are the very basis of our wealth and prosperity, and to maintain which should be the primary purpose of material legislation.

Trusting that our mission has not been profitless to the State, by securing a fund of information for the proper committees that may aid and give direction to wise and judicious legislation, your committee respectfully submit this their official report of their mission.

W. H. PARSONS,
J. P. DOUGLAS,
J. G. BELL,
On behalf of the Senate.
T. J. CHAMBERS,
R. ZAPP,
On behalf of the House

Mr. Slaughter moved to dispense with the reading of the report, and that one hundred copies be printed.

Mr. McLean called for a division of the question.

The motion to dispense with the reading of the report was carried, and the motion to have one hundred copies of the same printed, lost.

On motion of Mr. Chambers, the report was referred to the Committee on State Affairs.

Mr. Johnson offered the following resolution:

RESOLUTION IN REFERENCE TO LANDS HERETOFORE SET APART FOR THE LUNATIC ASYLUM, FOR THE DEAF AND DUMB AND BLIND INSTITUTIONS.

WHEREAS, By the act of thirtieth of August, 1856, there was set apart one hundred thousand acres of land for the benefit of the Lunatic Asylum, and a like amount for the Deaf and Dumb and Blind Institutions; and

WHEREAS, It is understood that the lands so set apart have been designated and located for several years; be it therefore

Resolved, That the Committee on Public Lands be instructed to inquire, at as early a day as practicable, with a view to further legislation upon the subject, whether said lands have been located by proper authority, and if so, in what part or parts of the State the said lands lie, and whether there has been any legislation thereon since the same were located, and that they report their information at as early a day as practicable.

Resolution read first and second times, and on motion of Mr. Leonard was adopted.

Mr. Cooper introduced a bill entitled "An Act to amend article 773a and 773b of the Penal Code, in regard to the offense of swindling."

Bill read first time and referred to the Judiciary Committee.

Mr. Harn offered the following resolution:

WHEREAS, The Honorable B. W. Gray, member of the late Constitutional Convention, is now in the city,

Resolved, That the House of Representatives hereby cordially tender him a seat upon the floor of this house. That the clerk is hereby instructed to furnish him a copy of this resolution.

Resolution read first and second times and on motion of Mr. Harn it was adopted.

Mr. Sheriff introduced a bill entitled "An Act to authorize the clerks of district courts to grant licenses for the retail of spirituous, vinous, and other intoxicating liquors in certain quantities, and imposing license taxes for such privileges."

Bill read first time and referred to Committee on State Affairs.

Mr. Slaughter introduced a bill entitled "An Act to appropriate money for the relief of the Superintendent of the Blind Asylum."

Bill read first time and referred to Committee on Finance.

Also a bill entitled "An Act requiring the Comptroller of Public Accounts to audit the public debt of the State of Texas."

Bill read first time and referred to Committee on State Affairs.

Also a bill entitled "An Act validating appropriations made by the Commanding General, J. J. Reynolds, for the support of the Provisional Government of the State of Texas for the year 1870."

Bill read first time and referred to Committee on Finance.

Also a bill entitled "An Act for the relief of the Asylum for the Blind of the State of Texas."

Bill read first time and referred to Committee on Finance.

Mr. Slaughter offered the following joint resolution:

JOINT RESOLUTION

Requiring the late assessors and collectors to complete the assessment of taxes in their respective counties, and make return thereof to the Comptroller of Public Accounts on or before the first day of August, 1870.

WHEREAS, The late assessors and collectors of this State are required by General Orders No. 74, Headquarters Fifth Military District, of date April 16, 1870, "to complete the assessment of taxes in their respective counties, and return their rolls to the Comptroller of Public Accounts on or before the first day of June, 1870;" and,

WHEREAS, Up to this date returns have been received at the Comptroller's office from only four counties, viz: Atascosa, Gillespie, Jackson and Mason; and,

WHEREAS, In the opinion of the Comptroller of Public Accounts, the time which assessors shall be required to return their rolls for 1870, should be extended at least sixty days; therefore, be it

Resolved, That assessors and collectors shall complete the assessment of taxes in their respective counties, and return their rolls to the Comptroller of Public Accounts on or before the first day of August, 1870.

And that every assessor and collector failing or refusing so to complete his assessment and make return thereof as herein required, and within the time herein specified, shall be subject to a penalty of five hundred dollars, to be recovered upon his official bond, and his final settlement with the Comptroller of Public Accounts shall be suspended.

Joint resolution read first time.

On motion of Mr. Slaughter the rules were suspended for the consideration of the joint resolution.

Joint resolution read second time.

Mr. Burnett offered the following amendment:

Provided that in counties where there are no assessors and collectors of taxes, it shall be the duty of the justices of the peace, of their respective beats or precincts, to assess the taxes in accordance with existing laws; and the sheriffs of said counties shall collect the taxes in accordance with existing laws.

On motion of Mr. Sinclair the amendment was adopted.

On motion of Mr. Slaughter the engrossment and third reading of the joint resolution, as amended, were ordered.

On motion of Mr. Slaughter the rules were further suspended to allow the joint resolution to be read the third time and put on its final passage.

Joint resolution read third time and passed.

Mr. Franks offered the following resolution:

Resolved, That the clerk of the House be and he is hereby authorized to purchase for the use of the members of this body the necessary crape to be worn in accordance with past resolutions in respect to the memory of Hon. W. J. Wilkinson, and that the same be paid for out of the contingent fund.

Resolution read first and second times, and on motion of Mr. Johnson it was adopted.

Mr. Sinclair offered the following resolution:

WHEREAS, the supply of Austin State Journals is inadequate to the wants of many of the members, therefore

Be it resolved, That any member of this House may, if he desires, and shall so signify to the chief clerk of the House, receive in lieu of the five copies of the Houston Union he is now entitled to, ten copies of the Austin State Journal, which papers shall be paid for at the rate now fixed for that paper.

Resolution read first and second times.

Mr. Abbott of Hill offered the following amendment:

Insert, after the words "Houston Union," the words "and Freie Presse."

Mr. Schutze moved that the amendment be laid on the table.

Lost.

Mr. Butler moved the previous question.

Previous question sustained.

The question then recurred. "Shall the main question be now put?"

The yeas and nays were demanded by Messrs. Schutze, Pierson and Ellis, and stood:

Yeas—Messrs. Abney, R. Allen, Becton, Butler, Burley, Burnett, Cooper, Cotton, Crudup, Cox, Dupree, Davis, Dorris, Franks, Gardiner, George, Hamilton, Johnson, Kendal, Locke, Lyons, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plum-

ley, Prissick, Robinson, Schlickum, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Youngkin, Zapp, Zoeller.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Bonner, Chambers, Cole, Camp, Ellis, Gaston, Hughes, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Ross, Simmons, Schlotman, Smyth, Shelburne, Van Noy, Weaver of Johnson, York—32.

So the main question was ordered.

Mr. Schutze moved a reconsideration of the vote ordering the main question.

Mr. Sinclair moved to lay the motion to reconsider on the table.

Upon which the yeas and nays were demanded by Messrs. Schutze, McLean and Miller, and stood:

Yeas—Messrs. Abney, H. R. Allen, Richard Allen, Butler, Burnett, Cooper, Cotton, Dupree, Franks, Gardiner, George, Hamilton, Kendall, Locke, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tinsley, Williams of Walker, Youngkin, Zapp, Zoeller—33.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Davis, Dorris, Ellis, Gaston, Hughes, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Ross, Schlickum, Schutze, Sheriff, Simmons, Smyth, Shelburne, Van Noy, Weaver of Hunt, Weaver of Johnson, York—41.

So the motion to lay the motion to reconsider on the table, was lost.

The question then recurred upon the motion to reconsider the vote ordering the main question.

The yeas and nays were ordered by Messrs. Schutze, Abney and Robinson, and stood:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Davis, Ellis, Hughes, Harn, Hamilton, Haswell, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Ross, Schlickum, Schlotman, Schutze, Simmons, Smyth, Shelburne, Tinsley, Van Noy, Weaver of Hunt, Weaver of Johnson, York—40.

Nays—Messrs. Austin, Abney, H. R. Allen, R. Allen, Butler, Burnett, Cooper, Cotton, Dupree, Dorris, Franks, Gaston, Gardiner, George, Kendall, Locke, Morrison, Moore of Harrison, Morris,

Mitchel, Mullins, Medlock, Plumley, Robinson, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Williams of Walker, Youngkin, Zapp, Zoeller—33.

So the motion to reconsider prevailed.

On motion of Mr. Butler, the amendment and resolution were laid on the table.

Mr. Locke introduced a bill entitled "An Act to provide for the building of court houses and jails."

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also, a bill entitled "An Act to incorporate the society Les Indisolubles of the city of San Antonio."

Bill read first time, and referred to Committee on Education.

Also, a bill entitled "An Act to Incorporate the San Antonio Jockey Club."

Bill read first time, and referred to Committee on Agriculture and Stock Raising.

Mr. Plumley introduced a bill entitled "An Act to Incorporate the South Western Insurance and Trust Company."

Bill read first time and referred to Committee on Commerce and Manufactures.

Also, a bill entitled "An Act to Improve the Sanitary Condition of the City of Galveston, Texas; and to Grant Certain Privileges to Thomas, Sewell and his Associates, to be Known as the Texas Sanitary and Fertilizing Company."

Bill read first time, and referred to Committee on State Affairs.

Mr. Davis introduced a bill, to be entitled "An Act to Regulate Fees of Sheriffs in Certain Cases.

Bill read first time, and referred to Judiciary Committee.

Mr. Pierson introduced a bill to be entitled "An Act Prohibiting the Sale or Otherwise Disposing of Liquors, etc., within Three Miles of Pittsburg Institute."

Bill read first time, and referred to Committee on Education.

Mr. Cole offered the following resolution:

WHEREAS, The undersigned members of the House of Representatives have remonstrated against the expense and uselessness of having the Houston Union and Free Press forced on them by the majority of this House; and

Whereas, We do not intend to read or circulate the said Houston Union and Free Press, and it entails a heavy expense on the people whom we represent, without their receiving any benefits therefrom; and

Whereas, It appears that at least one of those papers, the Houston Union, is forced on us for the purpose of keeping it from dying, by receiving pay from the State;

Therefore be it resolved, That we hereby give notice to the Comptroller that we are not subscribers to the Houston Union, nor to the Free Press, and protest against his paying for said papers out of the Treasury of the State.

Resolved, That the Clerk of the House furnish the Comptroller with a copy of this resolution.

J. R. COLE,
W. P. McLEAN,
JO. ABBOTT,
JOHN P. AUSTIN,
E. P. BECTON,
W. E. HUGHES,
W. T. SIMMONS,
J. G. SMYTH,
H. C. ELLIS,
J. H. MILLER,
W. C. PIERSON,
Sixth District,
A. F. LEONARD,
J. W. LANE,
J. E. HAWKINS,
J. C. WEAVER,
S. S. WEAVER,
B. B. LACY,
W. H. BONNER,
F. KYLE,
J. C. JENKINS,
E. S. ROBB,
W. B. STIRMAN,
B. S. SHELBURNE.

Mr. Slaughter moved to reject the resolution, upon which the yeas and nays were demanded by Messrs. Franks, R. Allen and Davis, and resulted thus:

Yeas—Messrs. Abney, Allen, H. R., Allen Richard, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Hamilton, Kendall, Locke, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, York, Youngkin, Zapp, Zoeller—44.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Chambers, Cole, Ellis, Gaston, George, Hughes, Harn, Haswell, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Posey, Pierson, Ross, Schutze, Simmons, Smyth, Shelburne, Weaver of Hunt, Weaver of Johnson—29.

So the resolution was rejected.

Mr. Slaughter offered the following resolution:

Resolved, That the rule of Wilson's Digest governing this House, which carries the original matter with an amendment when the amendment is tabled, no longer shall be respected, but that hereafter the motion to table an amendment, when carried, shall only affect the amendment.

Resolution read first and second time.

Mr. Abney moved to adjourn until ten o'clock A. M., to-morrow. Lost.

Mr. Plumley moved that the consideration of the resolution offered by Mr. Slaughter be made the special order of the day for Monday next at 12 o'clock M. Lost.

Mr. Burnett moved the previous question.

Previous question sustained.

The question then recurred "shall the main question be now put?"

Upon which the yeas and nays were demanded by Messrs. Pierson, Chambers and Van Noy, and resulted thus:

Yeas—Messrs. Abbott of Austin, Richard Allen, Butler, Burnett, Bonner, Cooper, Cotton, Crudup, Camp, Dupree, Davis, Dorris, Franks, Gardiner, George, Hamilton, Harn, Kendall, Locke, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Prissick, Robinson, Schlickum, Schlotman, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, York, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Austin, H. R. Allen, Benton, Burley, Chambers, Cole, Cox, Ellis, Gaston, Hughes, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, Miller, Moore of Red River, Posey, Pierson, Plumley, Ross, Schutze, Sheriff, Simmons, Sinclair, Smyth, Shelburne, Weaver of Hunt, Weaver of Johnson, Young—35.

So the main question was ordered.

The question then recurring upon the adoption of the resolution, it was adopted.

Mr. Butler moved a suspension of the rules to proceed to the consideration of the business on the Speaker's table.

By leave of the House the motion was withdrawn.

Mr. Crudup offered the following resolution:

WHEREAS, The free circulation of the air in this Hall is obstructed, by keeping the doors of the same closed, thereby rendering the same uncomfortably warm; therefore be it

Resolved, That the same be opened and kept opened during the sittings of this House, and the Sergeant-at-Arms and Door Keepers be instructed to permit no person to pass through the same, except those who may be entitled to do so under the existing rules of this House.

Resolution read first and second times, and on motion of Mr. Slaughter it was adopted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, May 27, 1870.

To Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day presented House joint resolution No. 1 to the Governor, for his signature.

ROBINSON,
Chairman.

Report accepted.

Mr. Slaughter gave notice that to-morrow he would introduce a resolution to change one of the rules governing the proceedings of the House.

Mr. Cooper offered the following resolution:

Resolved, That the Clerk of the House issue a certificate in the name of the Hon. H. C. Youngkin, for such sum as may be due his late colleague, Hon. W. T. Wilkinson, for mileage and per diem as a member of this House, and that the Comptroller of the State is hereby authorized to issue his warrant for said sum, and that the State Treasurer pay the same, said Youngkin receipting therefor.

Resolution read first and second times, and, on motion of Mr. Franks, it was adopted.

Mr. Burley introduced a bill to be entitled "An Act to regulate the charge for the transportation of passengers in Texas."

Bill read first time and referred to Committee on State Affairs.

Also, a bill to be entitled "An Act regulating taxes on large bodies of land in Texas."

Bill read first time and referred to Committee on Finance.

Mr. Sinclair introduced a bill to be entitled "An Act to amend 'An Act approved January 27, 1844, and February 11, 1860, regarding Herman Seminary.'"

Bill read first time and referred to Committee on Education.

Mr. Sinclair offered the following resolution:

Resolved, That the Clerk of the House be instructed to procure for each member of the House a portfolio for the purpose of filing the journals of this House.

Resolution read first and second times.

Mr. Schutze moved to insert after the word "portfolio," the words "from F. Bastian."

Mr. Lane moved to lay the amendment and resolution on the table, upon which the yeas and nays were demanded by Messrs. Burley, Cooper and Schutze, and resulted thus:

Yeas—Messrs. Speaker, Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Burley, Bonner, Chambers, Cole, Ellis, Franks,

Gaston, George, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Miller, Posey, Plumley, Prissick, Robinson, Ross, Simmons, Smyth, Shelburne, Spencer, Tinsley, Van Noy, Weaver of Hunt, Weaver of Johnson—39.

Nays—Messrs. H. R Allen, R. Allen, Butler, Burnett, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Gardiner, Harn, Hamilton, Haswell, Kendall, Lyons, Morrison, Moore of Harrison, Mullins, Medlock, Moore of Red River, Pierson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Sinclair, Stockbridge, Tegener, Williams of Walker, Young, York, Youngkin, Zapp, Zoeller—38.

So the amendment and resolution were laid on the table.

On motion of Mr. Crudup, the House adjourned until 10 o'clock, A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, May 28, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. Sinclair the reading of the journal for yesterday was dispensed with.

Mr. Franks moved a suspension of the rules to proceed to the transaction of business on the Speaker's table. Lost.

Mr. Slaughter presented a petition from citizens of Smith county, relative to the locating of a penitentiary, a lunatic asylum, and one of the State universities at Tyler, Texas.

Petition read and referred to Committee on State Affairs.

Mr. Zapp presented a petition from citizens of Fayette county, requesting the repeal of a law passed prohibiting the sale of intoxicating liquors in the vicinity of Rutersville.

Petition read and referred to Committee on State Affairs.

Mr. Posey presented a petition from citizens of Hamilton county, for relief to enable the county to build a court-house and jail.

Petition read and referred to Committee on Public Buildings and Grounds.

Mr. Butler, Chairman of Committee on Penitentiary, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, May 28, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Penitentiary, to whom was referred House bill No. 149, entitled "An Act making an appropriation for the purchase of machinery for the penitentiary at Huntsville, and improvement of buildings," instruct me to report the following substitute for the original, and recommend that it do pass.

D. P. BUTLER,
Chairman Committee.

Report read and bill passed to orders of the day.

A message was received from the Senate, announcing that that body had passed substitute for Senate Bill No. 1, entitled "An Act for the relief of freedmen and freedwomen," and asked the concurrence of the House in the same.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 27, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petition of the citizens of a portion of the counties of Houston, Trinity, Angelina and Cherokee, praying that said territory be constituted a new county, have had the same under consideration, and most respectfully beg leave to make the following report.

That from thorough investigation your committee find that said territory will not make nine hundred square miles. But believing that counties are created for the convenience of the citizens of its territory, and being informed that the citizens of said territory are willing to bear all the burdens and expenses that will necessarily accrue in organizing said new county.

Your committee are informed that said territory contains some five hundred and fifty or six hundred registered voters, and said citizens being so remotely situated from the county site of any one of the counties above mentioned, your committee believes it to be nothing but justice to the said citizens in said territory that they have the county they pray for.

Therefore your committee herewith returns a bill entitled "An Act to create a new county," and most earnestly recommend its passage.

COOPER, Chairman.

Report read and bill passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following reports:

COMMITTEE ROOM, Austin, May 27, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred a bill introduced by the Hon. B. Rush Plumley, entitled "An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin," having carefully examined the same, would respectfully propose the following as a substitute for section four in said bill, viz:

"That the actual active members of the company who shall hereafter have served therein for one year, shall be exempt from militia duty and service as jurymen, except upon criminal cases," and, with this amendation made, would recommend the passage of said bill.

Very respectfully,

C. D. MORRIS,
Chairman of the Committee.

COMMITTEE ROOM,
Austin, May 27, 1870.

To Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred a bill, introduced by the Hon. F. Tegener, entitled "An Act to amend 'An Act to incorporate the Fire Association of the city of San Antonio,'" having carefully examined the same, have instructed me to report favorably upon said bill, and to recommend its passage. Very respectfully,

C. D. MORRIS,
Chairman of Committee.

Reports read and bills passed to orders of the day.

Mr. Youngkin, Chairman of the Committee on Roads, Bridges and Ferries, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, May 27, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House Bill No. 49, to authorize B. P. Riddle and James Blackburn, citizens of Cherokee county, to erect a toll bridge across the Neches river, on the road leading from the town of Palestine to the town of Tyler, having had the same under consideration, beg leave to report back the same and recommend its passage.

Respectfully submitted,
H. C. YOUNGKIN,
Chairman of Committee.

COMMITTEE ROOM,
Austin, May 27, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House Bill No. 138, presented by Mr. Abbott, of Hill, entitled "An Act to authorize G. W. B. F. Davis to erect a toll bridge across Pin Oak Creek, in Navarro county," having had the same under consideration, beg leave to report back the same and recommend that it do pass.

Respectfully submitted,
H. C. YOUNGKIN,
Chairman.

COMMITTEE ROOM,
Austin, May 27, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House Bill No. 130, entitled "An Act to incorporate the Aquilla Bridge Company, and to authorize Elijah Reed to construct a toll bridge across the Aquilla Creek," presented by Mr. Crudup, having had the same under consideration, beg leave to report back the same and recommend its passage.

Respectfully submitted,
H. C. YOUNGKIN,
Chairman of Committee.

Reports read and bills passed to orders of the day.

Mr. McKee of Guadalupe, Chairman of Committee on Claims and Accounts, submitted the following report:

COMMITTEE ROOM,
Austin, May 27, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your committee, to whom was referred the petition of F. H. Arlitt, for additional pay as assessor and collector of Bexar county, having duly considered the same, beg leave to report it back to the House with a recommendation that it be not granted.

J. F. McKEE,
Chairman Committee on Claims and Accounts.

On motion of Mr. Cooper, the report was adopted.

Mr. Plumley, Chairman of Committee on Commerce and Manufactures, submitted the following report:

COMMITTEE ROOM,
Austin, May 28, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House Bill No. 166, "An Act to incorporate the South-western Insurance and Trust Company," beg leave to report the same, and recommend its passage.

Respectfully,
B. RUSH PLUMLEY,
Chairman Committee on Commerce and Manufactures.

Report read and bill passed to orders of the day.

Mr. Kendall offered the following resolution:

Resolved, That the Judiciary Committee be and is hereby instructed to inquire what laws, if any, are necessary to more effect-

ually protect the equal rights of the citizen traveling by railroad, steamboat, steamship, or other public conveyance, and to report by bill or otherwise.

Resolution read first and second time, and on motion of Mr. Moore of Red River, it was adopted.

Mr. Robinson introduced a bill entitled "An Act for the protection of the friends of the government against the 'Ku Klux Klan,' and other secret societies."

Bill read first time, and referred to Judiciary Committee.

Mr. Cooper offered the following resolution:

WHEREAS, In the House of Representatives, on the 20th of the present month, (May 1870), an election for Chaplain was held, and eighty-four votes cast, when only seventy-eight members voted, and

Whereas the Rev. Dr. Wilkes received all the votes cast, except thirty-three, and

Whereas the election was declared invalid on account of a few illegal votes being cast, which decision would put it in the power of any man to render all elections null and void, therefore be it

Resolved, That the Rev. Dr. Wilkes, having received a majority of all the legal votes cast in this House for Chaplain, be declared Chaplain of this House from this day, and that he be notified by the Speaker of this House of his said election.

Mr. Schutze moved to reject the resolution.

The yeas and nays were demanded by Messrs. Miller, Pierson and Chambers, and stood:

Yeas—Messrs. Allen H. R., Allen Richard, Abbott of Hill, Butler, Cotton, Cox, Dupree, Davis, Dorris, Franks, Hughes, Hamilton, Haswell, Johnson, Kendall, Locke, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mullins, Medlock, Plumley, Prissick. Robb, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorodo—41.

Nays—Messrs. Austin, Abney, Abbott of Austin, Becton, Bonner, Chambers, Cooper, Crudup, Cole, Camp, Ellis, Gaston, Gardiner, George, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morris, Mitchel, Miller, Posey, Pierson, Ross, Simmons, Slaughter, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young—36.

So the resolution was rejected.

Mr. Tegener offered the following resolution:

Resolved, That all resolutions heretofore passed in this House authorizing the election of a chaplain be and the same are hereby rescinded.

Resolution read first and second times.

Mr. Pierson moved to reject the resolution. Lost.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded and resulted as follows:

Yeas—Messrs. Austin, Abney, Allen H. R., Abbott of Hill, Becton, Cotton, Camp, Cox, Dupree, Franks, Hughes, Haswell, Hawkins, Johnson, Jenkins, Locke, Lyons, Morrison, Moore of Harrison, Morris, McLean, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Zapp, Zoeller—47.

Nays—Messrs. Abbott of Austin, Allen Richard, Bonner, Chambers, Cooper, Crudup, Cole, Davis, Dorris, Ellis, Gaston, Gardiner, George, Harn, Hamilton, Kyle, Kendall, Lacy, Lane, Leonard, McKee of Guadalupe, Pierson, Stirman, Stockbridge, Shelburne, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, Youngkin—30.

So the resolution was adopted.

Mr. Mullins introduced a bill entitled "An Act to authorize George W. Patton to build a bridge over Aquilla Creek."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Schutze offered the following resolution:

WHEREAS, the Houston Union has, by publication of defamatory articles against republican members of this Legislature, proved itself unworthy of the confidence of the members of this House; and

Whereas, by the operation of the parliamentary rules of this body it is placed beyond the power of this House to suspend or discontinue the subscription to said paper during this session, therefore

Be it resolved, That this House pay for the Daily Houston Union the price of one cent per copy for all copies delivered to the chief clerk.

Resolution read first and second time.

Mr. Butler offered the following substitute:

Resolved, That the price paid for the Houston Union be six cents per copy.

Mr. Butler moved the previous question.

Previous question sustained.

The question then recurred, "Shall the main question be now put?" upon which the yeas and nays were demanded by Messrs. Schutze, Pierson and Cotton, and stood:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Allen Richard, Butler, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, George, Hughes, Harn, Hamilton, Haswell, Johnson, Kendall, Lane, Leonard, Locke,

Lyons, Moore of Harrison, Morris, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Posey, Pierson, Plumley, Prissick, Robinson, Ross, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—62.

Nays—Messrs. Abbott of Hill, Becton, Bonner, Chambers, Hawkins, Jenkins, Kyle, Lacy, Morrison, McLean, Miller, Moore of Red River, Robb, Smyth—14.

So the main question was ordered.

The main question being upon the adoption of the substitute offered by Mr. Butler, the yeas and nays were demanded by Messrs. Haswell, Jenkins and R. Allen, and stood:

Yeas—Messrs. Allen, Richard, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Johnson, Locke, Moore of Harrison, Morris, Mullins, Medlock, Plumley, Schlotman, Sinclair, Slaughter, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—26.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Butler, Bonner, Chambers, Crudup, Cole, Camp, Cox, Ellis, Gaston, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Miller, Moore of Red River, Posey, Pierson, Prissick, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Van Noy, Weaver of Hunt, Weaver of Johnson—49.

So the substitute was not adopted.

Mr. Butler moved a reconsideration of the vote by which the House refused to adopt the substitute.

The yeas and nays were demanded by Messrs. Dupree, Moore of Red River and Locke, and stood:

Yeas—Messrs. Speaker, Allen, Richard, Butler, Cooper, Dupree, Davis, Dorris, Franks, Gardiner, Johnson, Locke, Moore of Harrison, Morris, Mullins, Medlock, Plumley, Schlotman, Sinclair, Slaughter, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—27.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Ellis, Gaston, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Miller, Moore of Red River, Posey, Pierson, Prissick, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Van Noy, Weaver of Hunt, Weaver of Johnson—48.

So the House refused to reconsider.

The question then recurred upon the adoption of the resolution of Mr. Schutze.

The yeas and nays were demanded by Messrs. Pierson, Butler and Locke, and stood:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Ellis, Gaston, George, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Miller, Moore of Red River, Pierson, Prissick, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Shelburne, Van Noy, Weaver of Hunt, Weaver of Johnson—45.

Nays—Messrs. Speaker, Allen, W. R. Allen, Richard, Butler, Burnett, Cooper, Dupree, Davis, Dorris, Franks, Gardiner, Hamilton, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, Mullins, Medlock, Posey, Plumley, Schlotman, Sinclair, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—32.

So the resolution was adopted.

Mr. Pierson moved to reconsider the vote by which the resolution was adopted and to lay the motion to reconsider on the table.

Pending the motion, Mr. Butler moved to adjourn until ten o'clock A. M., Monday.

The yeas and nays were demanded by Messrs. Morrison, Butler and Bonner, and stood:

Yeas—Messrs. Speaker, Allen, Richard, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Johnson, Moore of Harrison, Morris, Mullins, Medlock, Plumley, Prissick, Robb, Sinclair, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp—26.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Mullins, Medlock, Plumley, Prissick, Robb, Sinclair, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp—53.

So the House refused to adjourn.

Mr. Butler moved a call of the House. Call sustained.

Absentees—Messrs. Burley, Plumley and York.

Mr. Butler moved that the Sergeant-at-Arms be dispatched for absentees. Lost.

Mr. Franks moved that the House adjourn until ten o'clock, A. M., Monday.

The yeas and nays were demanded by Messrs. Pierson, Schutze and Franks, and stood:

Yeas—Messrs. H. R. Allen, R. Allen, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Johnson, Locke, Moore of Harrison, Morris, Mullins, Medlock, Plumley, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—30.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Manning, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Miller, Moore of Red River, Posey, Pierson, Prissick, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson—50.

So the House refused to adjourn.

Mr. Schutze moved that the absentees be excused on account of illness.

Mr. Butler made the point of order that some of the absentees were not ill, and that consequently the House could not excuse all the absentees.

The chair ruled that the House was the only competent judge of the sufficiency of the excuses offered, that the motion of Mr. Schutze was in order, and the question should be put upon the motion of Mr. Schutze.

Messrs. Butler and Slaughter appealed from the decision of the chair.

Mr. Locke moved to adjourn until Monday at ten o'clock, A. M.

The yeas and nays were demanded by Messrs. Pierson, Moore of Red River, and Haswell, and stood:

Yeas—Messrs. H. R. Allen, R. Allen, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Hamilton, Johnson, Kendal, Locke, Moore of Harrison, Morris, Mullins, Medlock, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—31.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, George, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Miller, Moore of Red River, Posey, Pierson, Prissick, Robb, Robinson, Ross, Schutze,

Sheriff, Simmons, Smyth, Stirman, Shelburne, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson—48.

So the House refused to adjourn.

On motion of Mr. Schutze, Mr. Plumley was excused from attendance on account of sickness.

Mr. McLean moved to lay the appeal on the table.

Mr. Butler moved that the House adjourn until the regular hour Monday next. Upon which the yeas and nays were demanded by Messrs. Slaughter, Robinson and Butler, and stood:

Yeas—Messrs. H. R. Allen, R. Allen, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Hamilton, Johnson, Kendall, Locke, Moore of Harrison, Morris, Mullins, Medlock, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—31.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, George, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Prissick, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson—47.

So the House refused to adjourn.

The question being upon the motion of Mr. McLean to lay the appeal on the table, the yeas and nays were demanded by Messrs. Slaughter, Schutze and Camp, and stood:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Ellis, George, Harn, Hamilton, Haswell, Jenkins, Kyle, Kendall, Lane, Leonard, Locke, Lyons, Morrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchell, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Tegener, Weaver of Hunt, Weaver of Johnson, Young, Youngkin—49.

Nays—Messrs. H. R. Allen, Richard Allen, Abbott of Hill, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Hughes, Hawkins, Johnson, Lacy, Moore of Harrison, Mullins, Medlock, Miller, Robb, Ross, Stockbridge, Spencer, Tinsley, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Zapp, Zoeller—31.

So the appeal was laid on the table.

Mr. Slaughter moved to reconsider the vote laying the appeal on the table.

Mr. Morrison moved that the House adjourn until ten o'clock A. M. Monday.

The yeas and nays were demanded by Messrs. Franks, Robinson and Ellis and stood:

Yeas—Messrs. H. R. Allen, Richard Allen, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, Mitchell, Mullins, Medlock, Plumley, Prissick, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—44.

So the House refused to adjourn.

Mr. Slaughter moved to reconsider the vote by which the House laid the appeal on the table.

The yeas and nays were demanded by Messrs. Slaughter, Dupree and Butler, and stood:

Yeas—Messrs. H. R. Allen, Richard Allen, Abbott of Hill, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Hughes, Hawkins, Johnson, Kendall, Lacy, Moore of Harrison, Mullins, Medlock, Miller, Prissick, Ross, Schlickum, Schlotman, Slaughter, Stockbridge, Spencer, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—33.

Nays—Messrs. Austin, Abney, Abbott of Austin, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, George, Harn, Hamilton, Haswell, Jenkins, Kyle, Lane, Leonard, Locke, Lyons, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Moore of Red River, Posey, Pierson, Plumley, Robb, Robinson, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Shelburne, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson, Young—46.

So the House refused to reconsider.

Mr. Butler moved that the House adjourn until 10 o'clock A. M., Monday.

The yeas and nays were demanded by Messrs. Abbott of Austin, Robinson and Franks, and stood:

Yeas—Messrs. H. R. Allen, R. Allen, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Johnson, Kendall, Locke,

Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Schlickum, Schlotman, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—34.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Van Noy, Weaver of Hunt, Weaver of Johnson—46.

So the House refused to adjourn.

The question then recurred upon the motion of Mr. Schutze to excuse the absentees on account of sickness.

Mr. Butler called for a division of the question.

The question being whether Mr. Burley should be excused or not, the yeas and nays were demanded by Messrs. R. Allen, Franks and Slaughter, and stood:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Burnett, Bonner, Chambers, Crudup, Cole, Camp, Cox, Ellis, Gaston, George, Hughes, Harn, Hamilton, Haswell, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Shelburne, Spencer, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson, Young, Zoeller—53.

Nays—Messrs. H. R. Allen, R. Allen, Butler, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Hawkins, Johnson, Kendall, Locke, Moore of Harrison, Morris, Mullins, Miller, Schlickum, Schlotman, Slaughter, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp—27.

So Mr. Burley was excused.

Mr. Butler moved that the House adjourn.

The yeas and nays were demanded by Messrs. Robinson, Franks and Locke, and stood:

Yeas—Messrs. R. Allen, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Johnson, Jenkins, Kendall, Locke, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—32.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen,

Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gardiner, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schlickum, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson—48.

So the House refused to adjourn.

Mr. Butler moved a suspension of the call of the House.

The yeas and nays were demanded by Messrs. Franks, R. Allen and McKee of Guadalupe, and stood:

Yeas—Messrs. Austin, H. R. Allen, Abbott of Hill, Becton, Butler, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Cox, Davis, Ellis, Franks, Gaston, Gardiner, Hughes, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mitchel, Medlock, Miller, Moore of Red River, Pierson, Plumley, Prissick, Robb, Robinson, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Zoeller—62.

Nays—Messrs. Abney, Abbott of Austin, R. Allen, Dupree, Dorris, George, Harn, Morris, McKee of Fannin, Mullins, Posey, Ross, Schlickum, Schlotman, Slaughter, Spencer, Weaver of Hunt, Zapp—18.

So the call of the House was suspended.

Mr. Butler moved that the House adjourn until 10 o'clock, A. M., Monday.

The yeas and nays were demanded by Messrs. Butler, Franks and Dupree, and stood:

Yeas—Messrs. R. Allen, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, George, Hamilton, Johnson, Jenkins, Kendall, Locke, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Schlickum, Schlotman, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp, Zoeller—34.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, Hughes, Harn, Haswell, Hawkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Shelburne, Van Noy, Weaver of Hunt, Weaver of Johnson—45.

So the House refused to adjourn.

The question then recurred upon the motion of Mr. Pierson to reconsider the vote by which the resolution, offered by Mr. Schutze, was adopted, and to lay the motion to reconsider on the table.

Mr Butler moved a call of the House. Call sustained.

Absent—Mr. York.

Mr. Butler moved that the House adjourn.

The yeas and nays were demanded by Messrs. Chambers, Robinson and Bonner, and stood:

Yeas—Messrs. H. R. Allen, R. Allen, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, George, Hamilton, Johnson, Kendall, Locke, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Van Noy, Weaver of Hunt, Weaver of Johnson—44.

So the House refused to adjourn.

Mr. Franks moved a suspension of the call of the House.

The yeas and nays were demanded by Messrs. Butler, Dupree and Mullins, and stood:

Yeas—Messrs. R. Allen, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Hamilton, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Miller, Plumley, Prissick, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—35.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, George, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Van Noy, Weaver of Hunt, Weaver of Johnson, Young—45.

So the call of the House was not suspended.

Mr. Abbott of Hill asked to be excused.

The yeas and nays were demanded by Messrs. Butler, Franks and Dorris, and stood:

Yeas—Messrs. H. R. Allen, Burnett, Bonner, Cooper, Cotton,

Crudup, Dupree, Gaston, Johnson, Morrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schutze, Sheriff, Simmons, Sinclair, Stirman, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Colorado, Young, Youngkin, Zapp--34.

Nays—Messrs. Austin, Abney, R. Allen, Abbott of Hill, Becton, Butler, Chambers, Cole, Camp, Cox, Davis, Dorris, Ellis, Franks, Gardiner, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Moore of Harrison, McKee of Fannin, Miller, Moore of Red River, Posey, Pierson, Robb, Ross, Schlickum, Schlotman, Slaughter, Smyth, Shelburne, Williams of Walker, Weaver of Johnson, Zoeller—45.

So the House refused to excuse Mr. Abbott.

Mr. Franks moved to reconsider the vote by which the House refused to excuse Mr. Abbott.

Mr. Schutze moved to lay the motion to reconsider on the table.

The yeas and nays were demanded by Messrs. Butler, Franks and Abney, and stood:

Yeas--Messrs. Austin, Abney, Allen H. R., Allen R., Abbott of Hill, Becton, Crudup, Cole, Cox, Dupree, Davis, Dorris, Gaston, Hughes, Harn, Haswell, Lacy, Lane, Lyons, Morris, McLean, McKee of Fannin, Mullins, Moore of Red River, Posey, Plumley, Schutze, Sheriff, Simmons, Sinclair, Smyth, Shelburne, Tegener, Weaver of Hunt, Williams of Colorado, Youngkin, Zapp--37.

Nays—Messrs. Abbott of Austin, Butler, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Ellis, Franks, Gardiner, George, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Kendall, Leonard, Locke, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Medlock, Miller, Pierson, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Slaughter, Stirman, Stockbridge, Spencer, Tinsley, Van Noy, Williams of Walker, Weaver of Johnson, Young, Zoeller—43.

So the motion to lay on the table was lost.

The question then recurred on the motion of Mr. Franks to reconsider.

The yeas and nays were demanded by Messrs. Davis, Franks and Butler, and stood:

Yeas--Messrs. Allen H. R., Allen R., Becton, Butler, Burnett, Bonner, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Hamilton, Johnson, Kendall, Lacy, Locke, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stock-

bridge, Spencer, Tinsley, Williams of Walker, Young, Youngkin, Zapp, Zoeller---39.

Nays---Messrs. Austin, Abney, Abbott of Austin, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, George, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lane, Leonard, Lyons, Morrison, McKee of Fannin, Miller, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schlickum, Schlotman, Smyth, Stirman, Shelburne, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson, Williams of Colorado---40.

So the House refused to reconsider.

Mr. Butler moved that the House adjourn.

The yeas and nays were demanded by Messrs. Franks, Robinson and Butler, and stood:

Yeas—Messrs. H. R. Allen, R. Allen, Butler, Burnett, Bonner, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Hamilton, Johnson, Kendal, Lacy, Locke, Moore, Morris, McLean, Mitchel, Mullins, Medlock, Plumley, Prissick, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—39.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, George, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lane, Leonard, Lyons, Morrison, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson---41.

So the House refused to adjourn.

Mr. Franks moved a suspension of the call of the House.

The yeas and nays were demanded by Messrs. Franks, Robinson and Butler, and stood -

Yeas---Messrs. H. R. Allen, R. Allen, Butler, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Franks, Gardiner, Johnson, Kendal, Locke, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Miller, Plumley, Prissick, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller---36.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Cox, Dorris, Ellis, Gaston, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, McKee of Gaudalupe, Moore, Posey, Pierson, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman,

Shelburne, Van Noy, Weaver of Hunt, Weaver of Johnson, Young—44.

So the call of the House was not suspended.

Mr. Butler moved that the House adjourn.

The yeas and nays were demanded by Messrs. Franks, Butler and Chambers, and stood:

Yeas—Messrs. Allen, H. R., Allen, Richard, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Grothaus, Hamilton, Johnson, Kendall, Locke, Moore, Morris, Mullins, Medlock, Plumley, Prissick, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams, R., Williams, B. F., Young, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Austin, Abney, Abbott, C. L., Abbott, Jo., Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Manning, Morrison, McLean, McKee, J. R., McKee, J. F., Mitchel, Miller, Moore, R. S., Posey, Pierson, Robb, Robinson, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver, S. S., Weaver, J. C—44.

So the House refused to adjourn.

Mr. Butler moved a suspension of the call of the House.

The yeas and nays were demanded by Messrs. Butler, Tinsley and Franks, and stood:

Yeas—Messrs. Allen, H. R., Allen, R., Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Hughes, Hamilton, Johnson, Jenkins, Kendall, Lacy, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Zapp, Zoeller—36.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Butler, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, George, Harn, Haswell, Hawkins, Kyle, Lane, Leonard, Locke, Lyons, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Van Noy, Weaver of Hunt, Weaver of Johnson, Young—44.

So the House refused to suspend the call.

Mr. Burnett moved that the House adjourn until ten o'clock A. M. Monday.

The yeas and nays were demanded by Messrs. Pierson, Franks and Robinson, and stood:

Yeas—Messrs. H. R. Allen, R. Allen, Butler, Burnett, Bonner, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, George, Hamilton, Johnson, Kendall, Lacy, Locke, Moore of Harrison, Morris,

Mitchel, Mullins, Medlock, Plumley, Prissick, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—38.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lane, Leonard, Lyons, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Van Noy, Weaver of Hunt, Weaver of Johnson—42.

So the House refused to adjourn.

Mr. Butler moved a suspension of the call of the House.

The yeas and nays were demanded by Messrs. Butler, Morrison and Franks, and stood:

Yeas—Messrs. Abney, H. R. Allen, R. Allen, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Hughes, Hamilton, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Miller, Plumley, Prissick, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—39.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, George, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young—41.

So the call of the House was not suspended.

Mr. Burnett moved that the House adjourn until Monday morning at ten o'clock.

The yeas and nays were demanded by Messrs. Franks, Tinsley and Pierson, and stood:

Yeas—Messrs. H. R. Allen, Richard Allen, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Franks, George, Hughes, Hamilton, Johnson, Kyle, Kendall, Lacy, Locke, Moore of Harrison, Morris, McLean, Mitchell, Mullins, Medlock, Plumley, Prissick, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—40.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott, of Hill, Becton, Bonner, Chambers, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, Gardiner, Harn, Haswell, Hawkins, Jenkins,

Lane, Leonard, Lyons, Morrison, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver, of Hunt, Weaver, of Johnson—40.

The Speaker cast his vote in the affirmative, and the House adjourned.

HOUSE OF REPRESENTATIVES,

AUSTIN, Texas, May 30, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; no quorum present.

Absentees—Messrs. Abbott of Hill, Becton, Burnett, Bonner, Crudup, Davis, George, Harn, Johnson, Kyle, Lyons, Moore of Harrison, McKee of Fannin, Miller, Posey, Pierson, Plumley, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Spencer, Williams of Colorado.

On motion of Mr. Schutze the House adjourned until 10 o'clock A. M., to-morrow, "in consideration of the fact that this is the day set apart for decorating the graves of Federal soldiers."

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, May 31, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; quorum present. Journal of yesterday read and adopted.

On motion of Mr. Morrison, the absentees of yesterday were excused.

The Speaker laid before the House the petition of officers of Austin county, protesting against the division of said county.

Petition read and referred to the Committee on Counties and County Boundaries.

Mr. Schutze presented the petition of citizens of Austin, Harris, Grimes and Montgomery counties, praying the creation of a new county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Locke presented a petition for the relief of William L. Smith.

Petition read and referred to Committee on Claims and Accounts.

Mr. Slaughter presented the petition of W. E. Horne, contesting the seat of C. L. Abbott, representative from the thirteenth district.

Mr. Schutze moved that the petition be rejected.

The yeas and nays were demanded by Messrs. Pierson, Slaughter and McKee of Guadalupe, and stood:

Yeas—Messrs. Austin, Richard Allen, Abbott of Hill, Becton, Chambers, Crudup, Cole, Cox, Ellis, Harn, Haswell, Hawkins, Kyle, Lane, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Pierson, Ross, Sheriff, Simmons, Smyth, Stirman, Shelburne, Spencer, Tegener, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, Young, York—33.

Nays—Messrs. Abney, H. R. Allen, Butler, Burley, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, George, Hughes, Hamilton, Johnson, Jenkins, Kendall, Lacy, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Posey, Plumley, Prissick, Robb, Robinson, Schlickum, Schlotman, Schutze, Sinclair, Slaughter, Stockbridge, Tinsley, Van Noy, Williams of Walker, Youngkin, Zapp, Zoeller—49.

So the House refused to reject the petition.

Mr. Morrison moved that the petition be referred to Committee on Privileges and Elections.

Mr. Abbott of Hill moved that the consideration of the petition be postponed until the first day of January, 1871.

By leave, the motion was withdrawn.

The question recurring on the motion of Mr. Morrison to refer the petition to Committee on Privileges and Elections, it was carried.

By request of Mr. Franks, he was excused from serving on the Committee on Privileges and Elections, in the case of Horne vs. Abbott.

The Speaker appointed Mr. Burnett to serve in place of Mr. Franks in the trial of the above mentioned case.

Mr. Cooper presented a petition for the relief of James L. Lipscomb and John Blair, of Houston county.

Petition read and referred to Committee on Finance.

Mr. Schutze presented a petition for the relief of F. Bastian.

Petition read and referred to Committee on Printing and Contingent Expenses.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, May 31, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: A majority of the Committee on the Judiciary have th honor to report herewith a bill to be entitled "An Act to provide for districting the State into judicial districts," and recommend its passage.

BURNETT,
Chairman.

Messrs. Hawkins, Hughes and Posey, from Judiciary Committee, submitted the following minority report:

COMMITTEE ROOM,
Austin, May 31, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: The undersigned members of the Judiciary Committee, dissenting from the report of the minority upon an act entitled "An Act to divide the State into judicial districts," beg leave to submit the following minority report and recommend its adoption.

J. E. HAWKINS,
WM. E. HUGHES.

I agree with the minority report as to the number of districts pro-

posed, but not as to the arrangement suggested in the bill accompanying the same.

J. W. POSEY.

Reports read and bills passed to orders of the day.

Mr. Plumley, Chairman of Committee on Commerce and Manufactures, submitted the following report:

COMMITTEE ROOM,
Austin, May 31, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred an act reviving the act incorporating the Galveston Dry Dock Company, and the subsequent laws in relation thereto, respectfully report the same and recommend its passage.

Respectfully,
B. RUSH PLUMLEY,
Chairman of Committee.

Report read and bill passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following reports:

COMMITTEE ROOM,
Austin, Texas, May 27, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom, upon the twenty-third instant, by your honorable body, was recommitted an act entitled "An Act to incorporate the town of Hallettsville, Lavaca county," upon which, on that date, they submitted—with a substitute for section three of said act—a favorable report, would respectfully, this day, report that they have again carefully examined said bill, and proposing for section three of said bill the same substitute—below written—would report favorably upon and recommend its passage:

"SEC. 3. The Mayor and Board of Aldermen of said town shall be appointed by the Governor, and shall hold their offices until the next general election, or until otherwise provided for by law. They shall have authority to appoint a constable, secretary and treasurer, who shall hold their offices for the same term as themselves; the treasurer and constable shall be required to give bond in such amount and with such security as shall be approved by the Mayor, for the faithful performance of their duties, and to make reports when required by the Mayor and Aldermen. The Mayor shall hold and exercise all the powers and jurisdiction of a justice of the peace, and, before entering upon the duties of his office, shall take the

oath prescribed by the constitution, and give such bond and security as a justice of the peace is required to give. The constable shall hold and exercise all the powers and discharge all the duties with said corporation of a constable of the county."

C. D. MORRIS,
Chairman of Committee.

COMMITTEE ROOM,
Austin, May 28, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The Committee on Town and City Corporations, to whom, upon the twenty-third instant, was, by your honorable body, recommitted an act entitled "An Act to incorporate the town of Greenville, in Hunt county," upon which, on that date, they submitted, with a substitute for section three of said bill, a favorable report, would respectfully this day report that they have again carefully examined said bill and return the same report as heretofore, proposing for section three of said bill the same substitute—below written—reporting favorably and recommending its passage:

"SEC. 3. The Mayor and Board of Aldermen of said town shall be appointed by the Governor, and shall hold their offices until the next general election, or until otherwise provided for by law. They shall have authority to appoint a constable, secretary and treasurer, who shall hold their offices for the same term as themselves; the constable and treasurer shall be required to give a bond, in such amount as may be deemed proper by the Mayor and Board of Aldermen, for the faithful performance of their duties, and they shall make a report to the Mayor and Board of Aldermen of their official actions when required by a majority of them so to do. The Mayor, Aldermen, and other officers shall take the oath of office required by the State Constitution, and no office shall be held by any person who is not a registered voter."

Very respectfully,

C. D. MORRIS,
Chairman of Committee.

Messrs. Abbott, of Hill, and Shelburne, from Committee on Town and City Corporations, submitted the following minority report:

COMMITTEE ROOM,
Austin, May 28, 1870.

To Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: The undersigned of your committee, to whom were referred the bills entitled "Acts to incorporate the towns of Halletsville, in

Lavaca county, and Greenville, in Hunt county," beg leave to dissent from the opinion of the majority, and ask that the substitutes for sections three of said bills, which have been recommended by the majority of your committee, do not pass, but that the same be rejected for the following reasons:

1. Said substitutes for section three provide that the Mayor and Board of Aldermen shall be appointed by the Governor, and shall hold their offices until the next general election, or until otherwise provided by law, etc. In the opinion of your minority it is contrary to the genius and spirit of republican government to divest the people of those powers and privileges which have been claimed and exercised heretofore by them, and which constitute the distinguishing features of republican government. Absolute sovereignty of the people is the great principle upon which all free governments rest. The privilege of electing those who shall rule over them and administer their laws, is a natural, inherent and indefeasible right, and produces in them that feeling of security, that respect and confidence in their government, that love of country and patriotism, without which no free government can long exist.

2. The appointing powers of the Governor are already very great, and it imposes additional labors and duties upon him which he, by no means, is as capable of performing as the people who are immediately interested.

3. Because the Legislature should "enact laws that would bear alike upon all, and with equal justice to all." If the Legislature can and does extend the appointing power to the Governor for a time, it can, with equal propriety, do so for all time to come, which would be unjust and oppressive to the people, and destructive to republican government.

JO. ABBOTT,
B. S. SHELBURNE.

Reports read and bills passed to orders of the day.

Mr. Youngkin, Chairman of the Committee on Roads, Bridges and Ferries, submitted the following reports:

COMMITTEE ROOM,
Austin, Texas, May 29, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House Bill No. 120, entitled "An Act to incorporate the Richland Bridge Company, and to authorize J. J. F. Johnson, R. A. Mathews, J. P. Sparks, George Rogers, J. G. Berry, N. T. Jones, James Smith, D. C. Summers, J. T. Summers, W. S. Robinson and J. C. Sparks, to build and construct a toll bridge across the

Richland Creek, in Navarro county," having had the same under consideration, beg leave to report back the same and recommend its passage.

Respectfully submitted,
H. C. YOUNGKIN,
Chairman of Committee.

COMMITTEE ROOM,
Austin, May 29, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House Bill No. 46, entitled "An Act to incorporate the Powell Bridge Company, in Navarro county, and to authorize Henry L. Malloy, Alfred Brooks, and their associates, to construct a toll bridge across Chambers' Creek," presented by Mr. Abbott, of Hill, having had the same under consideration, beg leave to report back the same and recommend its passage.

Respectfully submitted,
H. C. YOUNGKIN,
Chairman of Committee.

COMMITTEE ROOM,
Austin, May 29, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House Bill No.——, entitled "An Act to incorporate Big Cypress Bridge Company; to authorize John Henry Spearman, Edwin W. Spearman and Azales Spearman, and others, to construct a toll bridge across the Big Cypress, presented by Mr. McLean," having had the same under consideration, beg leave to report back the same and recommend its passage.

Respectfully submitted,
H. C. YOUNGKIN,
Chairman Committee.

Reports read and bills passed to the orders of the day.

Mr. Franks, Chairman of Committee on Privileges and Elections, submitted the following report:

COMMITTEE ROOM,
Austin, May 30, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was

referred the petition of M. L. Armstrong, praying to be seated in the House of Representatives as representative from the —— district, have had the same under consideration, and beg leave to submit the following report:

1. From evidence adduced before your committee, it appears that said M. L. Armstrong was a member of the —— Legislature as representative from the —— district, anterior to secession, and took the following oath: "I, M. L. Armstrong, do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent on me as a member of the —— Legislature according to the best of my skill and ability agreeable to the Constitution and laws of the United States and of this State, so help me God."

2. It also appears that said Armstrong was a member of the Legislature after secession and during the rebellion, and took the following oath: "I, M. L. Armstrong, do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent on me as a member of the Legislature according to the best of my skill and ability agreeable to the Constitution and laws of the Confederate States of America, so long as the State of Texas shall remain a member of the Confederacy, so help me God."

3. It further appears that during the existence of said rebellion said Armstrong was elected a justice of the peace for Lamar county, and after taking the oath last above written, entered upon the discharge of his duties by exercising the functions of said office.

4. It still further appears that, after the termination of said rebellion, and during the year 1869, he, the said Armstrong, while laboring under the disabilities named in the Fourteenth Amendment, was appointed Clerk of the County Court of Lamar county, and took the following oath:

"I, M. L. Armstrong, do solemnly swear that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility to the United States; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the same; that I have not yielded a voluntary support to any pretended government, authority, power or constitution within the United States hostile or inimicable thereto; that, to the best of my skill and ability, I will defend and support the United States against all enemies, foreign and domestic; that I take this oath freely, and without mental reservation or purpose of evasion, so help me God."

5. Again, it appears that, at the election submitting the Constitution for ratification or rejection, to the people of this State, and for the election of officers thereunder, said Armstrong was elected to

represent the voters of the ——— District in the Legislature, which assembled at the Capitol, in the city of Austin, on the — day of February, 1870, and in compliance with the requirements of General Orders No. 21, from Headquarters Fifth Military District, took and subscribed the oath as follows:

"I, M. L. Armstrong, do solemnly swear that I have never held the office or exercised the duties of a member of the Legislature of any State of the United States, nor held any civil office created by law for the administration of any general law of any State, or for the administration of justice in any State or under the laws of the United States, and thereafter engaged in insurrection or rebellion against the same, or given aid or comfort to its enemies, or rendered, except in consequence of direct physical force, any support or aid to any insurrection or rebellion against the United States; nor held any office under, or given any support to any government of any kind organized and acting in hostility to the United States, so help me God."

6. That, in consequence of said Armstrong having been a member of the Legislature of the State of Texas prior to secession, and afterwards during said rebellion held and exercised various offices in said State, and given aid and counsel to persons engaged in insurrection against the United States, was declared by a military board, appointed by the Commanding General of the Fifth Military District, to be ineligible as a member of the Legislature.

And a majority of your committee, in view of all these facts, and after a full, fair and impartial investigation of all the evidence, both for and against the said Armstrong, have arrived at the conclusion that he, the said Armstrong is not only wholly ineligible, but has pursued a very inconsistent course; and your committee regret exceedingly to have to record him as having committed the high crime of perjury, and if not in the silent workings of his own thoughts he feels guilty, he stands condemned before the world and high Heaven; and your committee, without presuming to be his judge, dismiss him with as deep sincerity as it was ever pronounced from the bench to a condemned criminal, "May God Almighty have mercy upon his soul." That Van Noy is entitled to the seat now held by him.

Very respectfully submitted,

F. G. FRANKS,

Chairman Committee on Privileges and Elections.

Mr. Austin, from Committee on Privileges and Elections, submitted the following minority report:

COMMITTEE ROOM,
AUSTIN, May 28, 1870.

To HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: The undersigned, one of the Committee on Privileges and Elections, presents this, his minority report in the case of M. L. Armstrong vs. Van Noy. It appears from the testimony produced before the committee, that M. L. Armstrong was elected by the qualified electors of the Eleventh Senatorial District as one of the representatives from said district, having received at said election six hundred and six votes, whilst Van Noy received five hundred and thirty-two votes. M. L. Armstrong's right to a seat in this body was not, nor is still lawfully contested by Van Noy. But it is contended by the majority of the committee that M. L. Armstrong, by reason of having taken an oath, on the eighteenth day of March, 1861, to support the provisional government of the Confederate States of America, is disqualified from holding his seat in this House; the testimony of G. W. Wright, T. M. Mundine and Dr. Owens proves conclusively that M. L. Armstrong, in taking said oath, did so under protest, not to aid said provisional government, but to defeat, if possible, the same, and as far as he could to protect the Union or loyal men of Lamar county, the county which he had the honor to represent, containing a large Union element, and in which a large majority voted against the ordinance of secesssion, (say three hundred and forty-three votes). The journals of the extraordinary session, before and after the ordinance of secession, will testify that M. L. Armstrong did not at any time aid the secession cause, nor is there any evidence in the possession of the committee that goes to prove that he did engage in insurrection or rebellion, or give aid and comfort to the enemies of the Government of the United States before or since the war; but, on the contrary, he used every means in his power to defeat the success of the Confederate cause. These facts having been substantially proven, the undersigned believes that M. L. Armstrong is entitled to a seat in this body,

1. Because he was fairly elected one of the representatives by a majority of the qualified electors of the Eleventh Senatorial District as a member of this House.

2. That his seat is not contested on the grounds of fraud or intimidation.

3. Armstrong, in taking the oath prescribed by the so-called Confederate Convention, did not afterwards engage in insurrection or rebellion, or give aid or comfort to the enemies of the United States, and did not take said oath aforesaid with the view of aiding the rebellion, but on the contrary, to aid the Union cause and uphold

the sentiments of the Union people of the State, and according to the instructions of General Reynolds to the Board of Registrars, which is to be found on page —. M. P. Armstrong could not only register, but hold office under the Reconstruction Acts prescribed by Congress and the Fourteenth Amendment to the Constitution of the United States.

4. The Convention had no power to prescribe an oath to the members; it was illegal and not binding, and was so declared by Sam Houston at the time, and said oath was taken under protest by Whitmore, Norton, Armstrong, and other Union men; therefore be it

Resolved, That M. P. Armstrong is entitled to a seat in this House, and that he be entitled to qualify as such.

JOHN O. AUSTIN.

On motion of Mr. Locke, Mr. Leonard was excused from attendance for the day.

Mr. Robinson moved that the report submitted by the Chairman of Committee on Privileges and Elections be adopted.

Mr. Crudup moved that the majority and minority reports be made the special order of the day for to-morrow at eleven o'clock, A. M., in committee of the whole House.

On motion of Mr. Locke, the report was recommitted to Committee on Privileges and Elections.

Mr. Franks, Chairman of Committee on Privileges and Elections, asked to be excused from further consideration of the report just recommitted.

Mr. Franks was excused and Mr. Burnett appointed to act in his stead in this case.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, May 31, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared House Joint Resolution No. 15, and find the same to be correctly engrossed.

Very respectfully,
C. J. STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Abbott, Chairman of Committee on Printing and Contingent Expenses, submitted the following report:

COMMITTEE ROOM, AUSTIN, May 31, 1870.

Hon. IRA. H. EVANS,

Speaker House of Representatives:

SIR: Your Committee on Printing and Contingent Expenses, to whom was recommitted the several accounts herewith annexed, have the honor to report back to the House the following accounts, in items, and ask the same to be paid:

A. Seimering & Co	$128 00
S. Palm, Post Office account	1309 00
Tracy, Seimering & Co	1535 50
Tracy, Seimering & Co	1333 33
L. Allen	8 55
L. LaBarre	16 00
Long & Kingsbury	3 50
F. Tegener	63 25
J. Johnson	7 75
Nagle & Co	41 25

Very respectfully,

ABBOTT, Chairman.

On motion of Mr. Locke the report was adopted and the accounts ordered paid.

Mr. Schutze, Chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM, Austin, May 30, 1870.

To Hon. IRA H. EVANS, Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred a communication from Hon. Ed. L. Leonhardt, Vice-President of the Second German Volksfest, extending an invitation to your honorable body to attend the Second German Volksfest to be held at the city of Houston, on the eighth and ninth of June, 1870, have had the same under due consideration, and beg leave to make the following report:

WHEREAS, It appears that the festival aforesaid is to be celebrated by delegations of all the Germans of our State for the promotion of harmony and friendship, and for the purpose of inviting by such an assemblage the immigration of thousands of Germans into our State; your committee therefore respectfully recommends that a committee of three be appointed as a delegation to said festival, and that a leave of absence of ten days be granted to them.

Very respectfully,

JULIUS SCHUTZE,

Chairman of Committee on State Affairs.

Mr. Sinclair moved that the report be laid on the table. Lost.

On motion of Mr. Chambers the report was adopted.

Mr. Morrison offered the following resolution:

Resolved, That the resolution passed by this House on the twenty-ninth instant, by which it was provided that this House pay for the Daily Houston Union the price of one cent per copy for all copies delivered to the Chief Clerk, be and is hereby rescinded; and that all copies of the Houston Daily Union subscribed for by order of this House shall be paid for at a price not less than nor to exceed six cents and a half. ($6\frac{1}{2}$) for each copy of said Daily Houston Union so subscribed for.

Resolution read first and second times.

Mr. Robinson moved that the resolution be adopted.

Mr. Schutze moved a call of the House. Call sustained.

Absentees: Messrs. Abney, Lyons and Van Noy.

Mr. Morrison moved a suspension of the call.

Upon which the yeas and nays were demanded by Messrs. Schutze, Morrison and Robinson, and stood:

Yeas—Messrs. H. R. Allen, Richard Allen, Butler, Burley, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Miller, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—43.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Chambers, Crudup, Cole, Cox, Ellis, Gaston, Hughes, Harn, Hazwell, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, McLean, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Posey, Pierson, Robb, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—35.

So the call of the House was suspended.

Mr. Franks moved the previous question.

Previous question seconded.

Mr. Schutze moved that the House adjourn until 10 o'clock, A. M., to-morrow.

The yeas and nays were demanded by Messrs. Schutze, Pierson and Chambers, and stood:

Yeas—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Chambers, Crudup, Cole, Cox, Ellis, Gaston, Hughes, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Spencer, Weaver of Hunt, Weaver of Johnson—35.

Nays—Messrs. R. Allen, H. R. Allen, Butler, Burley, Burnett,

Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—42.

So the House refused to adjourn.

Mr. Schutze moved a call of the House. Call sustained.

Absentees—Messrs. Abney, Lyons and Van Noy.

Mr. Moore of Red River moved that the sergeant-at-arms be despatched for the absent members. Carried.

Mr. Grothaus moved that Mr. Abney be excused on account of sickness, upon which the yeas and nays were demanded by Messrs. Pierson, Franks and Davis, and stood:

Yeas—Messrs. H. R. Allen, R. Allen, Butler, Burley, Burnett, Chambers, Cooper, Cotton, Crudup, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Hawkins, Johnson, Jenkins, Kendall, Lacy, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Posey, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Simmons, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—54.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Cole, Ellis, Gaston, Hughes, Haswell, Kyle, Lane, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Pierson, Robb, Ross, Sheriff, Smyth, Stirman, Shelburne, Weaver of Johnson—24. So Mr. Abney was excused.

Mr. Schutze moved to adjourn until ten o'clock A. M. to-morrow.

The yeas and nays were demanded by Messrs. Williams of Walker, Dupree and Mullins, and stood:

Yeas—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Chambers, Crudup, Cole, Cox, Ellis, Franks, Gaston, George, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Prissick, Robb, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Spencer, Weaver of Hunt, Weaver of Johnson—39.

Nays—Messrs. Allen H. R., Allen R., Butler, Burley, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Gardiner, Grothaus, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Robinson, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Tegener,

Tinsley, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—39.

The Speaker cast his vote in the negative, and the House refused to adjourn.

Mr. Robinson moved that Mr. Van Noy be excused from attendance on account of sickness.

Mr. Slaughter moved that the name of Mr. Lyons be also inserted. Amendment accepted.

The question being whether Messrs. Van Noy and Lyons should be excused, the yeas and nays were demanded by Messrs. Pierson, Franks and Robinson, and stood:

Yeas—Messrs. H. R. Allen, Richard Allen, Butler, Burley, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—44.

Nays—Messrs. Austin, Abbott of Hill, Abbott of Austin, Becton, Chambers, Crudup, Cole, Cox, Ellis, Gaston, Hughes, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Ross, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—34.

So Messrs. Van Noy and Lyons were excused.

Mr. Franks moved the previous question. Previous question seconded.

Mr. Schutze moved that the House adjourn until 10 o'clock A. M., to-morrow.

The yeas and nays were demanded by Messrs. Pierson, McLean and Schutze, and stood:

Yeas—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Chambers, Crudup, Cole, Cox, Ellis, Gaston, Hughes, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Robb, Ross, Schutze, Simmons, Smyth, Stirman, Shelburne, Spencer, Weaver of Hunt, Weaver of Johnson—34.

Nays—Messrs. Speaker, H. R. Allen, R. Allen, Butler, Burley, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Williams

of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—45.

So the House refused to adjourn.

Mr. Slaughter moved that the galleries be cleared and the doors closed. Carried.

The question then recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded by Messrs. Davis, Franks and Dupree, and stood:

Yeas—Messrs. Allen H. R., Allen R., Butler, Burley, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—43.

Nays—Messrs. Austin, Abbott of Austin, Becton, Chambers, Crudup, Cox, Gaston, Harn, Lane, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Pierson, Schutze, Sheriff, Simmons, Smyth—17.

So the main question was ordered.

The main question being upon the adoption of the resolution offered by Mr. Morrison, the yeas and nays were demanded by Messrs. Morris, Schutze and Pierson, and stood:

Yeas—Messrs. H. R. Allen, Richard Allen, Butler, Burley, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—43.

Nays—Messrs. Austin, Abbott of Austin, Chambers, Crudup, Cox, Gaston, Harn, Lane, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Pierson, Schutze, Sheriff, Simmons, Smyth, Shelburne—17. So the resolution was adopted.

Mr. Locke moved to reconsider the vote just taken, and to lay the motion to reconsider on the table. Carried.

Mr. Crudup moved that the House adjourn. Lost.

Mr. Burnett offered the following resolution:

WHEREAS, Several members of this body this day left the hall while the House was under a call, thereby violating the rules of this House and of parliamentary law, therefore be it

Resolved, That the conduct of said members, who have not been excused, be referred to a select committee of five, to report by resolution or otherwise.

Resolution read first and second times, and on motion of Mr. Morrison, it was adopted.

The Speaker appointed Messrs. Burnett, Locke, Cooper, Johnson and Gaston such committee.

Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Cole, Chambers, Lane, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Pierson, Simmons, Shelburne, Sheriff, Schutze and Smyth, having explained why they left the House while the same was under a call, were, on motion of Mr. Slaughter, excused.

Mr. Sinclair moved that the House adjourn until 10 o'clock, A. M., to-morrow.

The yeas and nays were demanded by Messrs. Butler, Locke and Sheriff, and stood:

Yeas—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Butler, Burnett, Chambers, Cooper, Cotton, Crudup, Cole, Cox, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, George, Johnson, Lane, Leonard, Locke, Manning, Moore of Harrison, Morris, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Schlickum, Schlotman, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stockbridge, Shelburne, Spencer, Tegener, Williams of Walker, Young, York, Youngkin, Zapp, Zoeller—47.

Nays—Messrs. H. R. Allen, Richard Allen, Burley, Harn, Hamilton, Kendall, Morrison, Mitchel, Mullins, Medlock, Pierson, Plumley, Prissick, Robinson, Schutze, Tinsley, Williams of Colorado—17.

So the House adjourned.

HOUSE OF REPRESENTATIVES,
Austin, Texas, June 1, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called Quorum present.

Absent—Messrs. Bonner and Kyle.

On motion of Mr. Franks, the reading of the journal for yesterday was dispensed with.

Messrs. Kyle and Bonner were excused from attendance on account of sickness.

Mr. Burnett, chairman of select committee appointed yesterday to inquire into the conduct of certain members who left the House, in violation of the rules, submitted the following report and resolution:

COMMITTEE ROOM,
Austin, June 1, 1870.

HON. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your special committee appointed to inquire into the conduct of the members of this House, who left the hall yesterday in violation of the rules of the House, having performed their duty, have the honor to make the following report:

That Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Chambers, Cole, Ellis, Haswell, Hawkins, Hughes, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Posey, Pierson, Robb, Ross, Schutze, Sheriff, Simmons, Smyth, Shelburne, Weaver of Johnson and Weaver of Hunt, left the hall while the House was under a call, and while the ayes and noes were being called on a pending motion, in violation of the rules of the House and of parliamentary law.

The evidence is, that Messrs. McLean, Lacy and Hughes first started to the middle door of the hall, but were informed by the Sergeant-at-Arms that the House was under a call and they could not be permitted to go out. That Mr. McLean then advanced towards his seat and inquired of the honorable Speaker whether the call was suspended. The Speaker replied that the proceedings under the call were concluded, as the absentees had been excused and the House was full, but did not say that the call was suspended; thereupon all the above named members left the hall while the roll was being called.

The committee are of opinion that several, if not all, the members left the hall under the impression that the Speaker had declared the

call of the House suspended; but it was evidently the intention of the members who thus vacated their seats, to break a quorum in the House so as to prevent a vote on the motion pending, and it should be remembered that the ayes and noes were being called at the time, and the members thus, in addition to leaving the House while it was under a call, violated rule fourteen of this House, which reads as follows: "Whilst the yeas and nays are being called, or votes are being counted, no member shall visit the clerk's table, or leave his seat."

We deem this action of the members above named unparliamentary, and highly reprehensible, and we regret that passion or other cause should prompt members to resort to such violations of the rules of the House and of parliamentary law, to stifle the voice of the majority. The House has already excused Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Chambers, Cole, Lane, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Pierson, Schutze, Sheriff, Simmons, Smyth and Shelburne, who made satisfactory explanation and apologies to the House; and the committee recommend that the other members be excused on the same condition, otherwise that they be censured and reprimanded by the House.

The committee recommend the adoption of the accompanying resolutions.

Very respectfully,
BURNETT, Chairman,
LOCKE,
JOHNSON,
COOPER.

Accompanying resolutions as follows:

Resolved, That the conduct of the members of this House, who left the hall, yesterday, during the pending of a call of the House, and while the ayes and nays were being called on a pending motion, in palpable violation of the rules of this House and of parliamentary law, is unparliamentary, and hghly reprehensible.

Resolved, That the following named members, who have not been excused for their said conduct, viz: Messrs. Ellis, Haswell, Hawkins, Hughes, Jenkins, Kyle, Lacy, McLean, Posey, Robb, Ross, Stirman, Weaver of Hunt and Weaver of Johnson be censured and reprimanded before the bar of the House by the Speaker; provided, that if any of said members make to the House satisfactory explanations and apologies for their said conduct, they shall be excused from the censure and reprimand of the House.

Mr. Crudup moved to lay the resolution reported by the select committee on the table.

The yeas and nays were demanded by Messrs. Franks, Locke and Slaughter, and stood:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Allen, H. R., Abbott of Hill, Becton, Chambers, Crudup, Cole, Camp, Cox, Dorris, Gaston, Kendall, Lane, Leonard, McKee of Fannin, McKee of Guadalupe, Miller, Moore, Pierson, Prissick, Sheriff, Simmons, Smyth, Shelburne, Spencer, Tegener, Van Noy, York—30.

Nays—Messrs. Allen, Richard, Burley, Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Grothaus, George, Hamilton, Johnson, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sinclair, Slaughter, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—36.

So the House refused to lay the resolution on the table.

Mr. Franks moved the previous question. Previous question sustained.

Mr. Pierson moved that the House adjourn. Lost.

The question recurred, "Shall the main question be now put?"

Main question ordered.

The main question being upon the adoption of the resolution submitted by the special committee, the yeas and nays were demanded by Messrs. Pierson, Franks and Locke, and stood:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, R. Allen, Burley, Burnett, Cooper, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Johnson, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—43.

Nays—Messrs. Austin, Abbott of Hill, Becton, Chambers, Cotton, Crudup, Cole, Gaston, Harn, Kendall, Lane, Leonard, McKee of Fannin, McKee of Gaudalupe, Miller, Moore of Red River, Pierson, Schutze, Sheriff, Simmons, Smyth, Shelburne, Spencer, York—24.

So the resolution was adopted.

Mr. Schutze moved that the members named in the resolution be allowed until to-morrow, at 11 o'clock A. M., to make their explanation in writing. Carried.

Mr. Locke, from Committee on Privileges and Elections, submitted the following report and resolution:

COMMITTEE ROOM,
Austin, June 1, 1870.

To the HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: The Committee on Elections and Privileges, to whom was recommitted the report of said committee on the petition of Hon. M. L. Armstrong, of Lamar county, claiming the seat now held in this House by Hon. H. H. Van Noy, beg leave to report that they find from the evidence that said Armstrong held the office of Representative in the Eighth Legislature prior to the late rebellion, and after the pretended secession of the State held and exercised the duties of the same office, taking the oath to support the Constitution of the so-called Confederate States. That at the late provisional session of this body, said Armstrong was declared ineligible to a seat in this House by General Reynolds, then commanding Fifth Military District, and the seat occupied by him was given by a vote of this House to the sitting member, who was eligible, and who received the next highest number of votes. The committee are of opinion that, upon this statement of facts, which cannot be denied, that the present incumbent is entitled to the seat, and they, therefore, recommend the adoption of the following resolution, and ask that they be discharged from any further consideration of the case.

Resolved, That Hon. H. H. Van Noy, sitting member in this House from the Eleventh District, is justly and legally entitled to his seat in place of Hon. M. L. Armstrong, who is ineligible to a seat in this body.

W. J. LOCKE, for the Committee.

Mr. Crudup moved to refer the report and resolution to a committee of the whole House at 12 o'clock, M., to-morrow.

Mr. Locke moved the previous question.

Previous question sustained.

The question then recurred, "shall the main question be now put?"

Main question ordered.

The main question being upon the adoption of the resolution offered by the Committee on Privileges and Elections.

The yeas and nays were demanded by Messrs. Burnett, Locke and Butler, and stood:

Yeas—Messrs. Abney, R. Allen, Butler, Burley, Burnett, Cooper, Cotton, Crudup, Cox, Dupree, Davis, Dorris, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Ross, Schlickum, Schutze, Sheriff, Sinclair, Stirman, Stockbridge, Spencer, Tegener, Tinsley, Williams of

Walker, Weaver of Johnson, Williams of Colorado, Young, Youngkin, Zoeller—49.

Nays—Messrs. Austin, Abbott of Hill, Chambers, Cole, Ellis, Franks, George, Hughes, Hawkins, Jenkins, Lacy, Lane, Leonard, McKee of Fannin. Miller, Posey, Robb, Simmons, Slaughter, Smyth, Shelburne, Weaver of Hunt, York, Zapp—24.

So the resolution was adopted.

A message was received from the Senate announcing that that body had passed Senate Bill No. 15, to be entitled "An Act to incorporate the German Land and Improvement Association," asking the concurrence of the House in the same.

On motion of Mr. Franks, the rules were suspended for the consideration of business on the Speaker's table.

On motion of Mr. Crudup, Mr. Cox was excused from attendance until Monday next.

On motion of Mr. Franks, the rules were further suspended to take up a bill to be entitled "An Act to establish a system of registration."

House Bill No. 115, to be entitled "An Act to establish a system of registration," read second time.

Mr. Miller moved to strike out in section 1, seventh line, the words "six months," and insert in lieu thereof the words "sixty days."

Mr. Williams of Colorado moved to lay the amendment on the table. Lost.

The question recurred on the adoption of the amendment of Mr. Miller, and on motion of Mr. Schutze, it was adopted.

Mr. Lane moved to strike out the word "ten" and insert the word "three" in the fourth line of section 1.

On motion of Mr. Abbott of Hill, the amendment was laid on the table.

Mr. Slaughter moved to amend the seventh line of section 2 by striking out the words "twenty-five" and inserting the word "fifty."

On motion of Mr. Sinclair, the amendment was laid on the table.

Mr. Hughes moved to amend by striking out the first line and the words "in the State where elections are to be held," in the second line of section 2, and to insert as follows: "The district clerk of each and every county in the State shall be and is hereby constituted."

Mr. McLean moved to amend the amendment by inserting after the word "voters" the words "who shall be the district clerk of the county and."

On motion of Mr. Slaughter, the amendment and amendment to the amendment were laid on the table.

Mr. Miller moved to strike out all of section 2 after the word "registered" in the eighth line.

On motion of Mr. Locke, the amendment was laid on the table.

Mr. Cole moved to amend section 2 so that "the presiding justice in each and every county shall be the register of voters for said county."

On motion of Mr. Franks the amendment was laid on the table.

Mr. Burnett moved to strike out all after the word "registered" in the eighth line of section two, and to add the following: "And the Secretary of State shall provide all necessary books and blanks and all necessary instructions to said registrars."

Mr. Leonard moved to lay the amendment on the table. Lost.

Mr. Hughes moved to amend the amendment by striking out the words, "and all necessary instructions to," and inserting the word "for."

Amendment to the amendment adopted.

The question recurring upon the amendment as amended, on motion of Mr. Hughes it was adopted.

Mr. Sinclair offered the following substitute for section two:

SEC. 2. It shall be the duty of the Governor to appoint in each and every county a registrar of voters, who shall keep a correct record of all registered voters, with their names alphabetically arranged, together with printed forms of certificates and record of oaths, and for every one issued he shall retain in his office of record a duplicate thereof; and he shall be entitled to collect from the treasurer of the county, on approval of the County Court, the sum of twenty cents for each and every qualified elector whom he may register; and the Secretary of State shall provide books of record and necessary blanks at the expense of the State for said registration.

On motion of Mr. Slaughter, the substitute was laid on the table.

Mr. Abbott, of Hill, moved to amend the second line of section two by inserting after the word "voters" the words, "who shall reside at the county seat and."

Mr. Harn moved to lay the amendment on the table. Lost.

Mr. Franks offered the following amendment to the amendment: Insert after the word "shall" the words "after his appointment."

On motion of Mr. Franks, the amendment to the amendment was adopted.

Mr. Slaughter offered the following substitute for the amendment:

Who shall keep an office at the county site, which shall be open from eight to twelve A. M., and from two to four P. M., at least two days in every week.

Substitute adopted.

Mr. Mills moved to strike out section three.

On motion of Mr. Franks, the motion of Mr. Miller was laid on the table.

Mr. Posey moved to amend section three by adding the following:

But in all cases where "any person other than the district clerk shall be appointed registrar, it shall be the duty of said registrar so appointed to furnish the clerk of the district court, semi-annually, with a certified list of all the registered voters of the county."

On motion of Mr. Locke, the amendment was adopted.

Mr. Grothaus moved to strike out in section five, line twelve, the words "one year," and to insert in lieu thereof the words "thirty days."

On motion of Mr. Slaughter, the amendment was laid on the table.

Mr. Cooper moved to amend section five by striking out all after the word "five" in the eleventh line, and to insert in lieu thereof the words "not to exceed five hundred dollars."

Mr. Slaughter moved to lay the amendment on the table. Lost.

On motion of Mr. Morrison the amendment was adopted.

Mr. Plumley moved to amend section five by adding to section five the words, "and be imprisoned in the county jail for a term not to exceed one year."

On motion of Mr. Plumley, the amendment was adopted.

Mr. Cooper moved to strike out section six.

Mr. Miller moved to lay the motion of Mr. Cooper on the table.

The yeas and nays were demanded by Messrs. Hughes, Leonard and Slaughter, and stood:

Yeas—Messrs. Austin, H. R. Allen, Abbott of Hill, Becton, Chambers, Crudup, Cole, Grothaus, Hughes, Hawkins, Jenkins, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Moore of Red River, Robb, Ross, Simmons, Smyth, Stirman, Weaver of Hunt, Williams of Colorado—25.

Nays—Messrs. Abbott of Austin, R. Allen, Butler, Burley, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Franks, Gardiner, George, Harn, Hamilton, Kendall, Locke, Manning, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Williams of Walker, Young, York, Youngkin, Zapp, Zoeller—45.

So the House refused to lay the motion on the table.

Mr. Abbott of Austin moved to strike out all after the word "register," in the third line of section six.

On motion of Mr. Franks the amendment was laid on the table.

Mr. Butler moved to insert the word "legal" after the word "holding," in the first line of section six.

Mr. Sinclair moved that the bill be recommitted to the Committee on Privileges and Elections. Lost.

The question recurred upon the amendment of Mr. Butler.

Mr. Tegener moved to lay the amendment on the table. Lost.

The question recurring upon the amendment of Mr. Butler, it was adopted.

Mr. Slaughter moved to strike out section six.

The yeas and nays were demanded by Messrs. Chambers, Crudup, and Schutze, and stood:

Yeas—Messrs. R. Allen, Burnett, Cooper, Camp, Franks, Gaston, Gardiner, George, Hamilton, Johnson, Morrison, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Sheriff, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, York, Youngkin, Zapp, Zoeller—27.

Nays—Messrs. Austin, Abbott of Austin, R. Allen, Abbott of Hill, Becton, Butler, Burley, Chambers, Crudup, Cole, Dupree, Dorris, Grothaus, Hughes, Hawkins, Jenkins, Kendall, Lacy, Lane, Leonard, Locke, Manning, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Miller, Moore of Red River, Posey, Pierson, Robb, Ross, Schlotman, Schutze, Simmons, Sinclair, Smyth, Stirman, Shelburne, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young—46.

So the House refused to strike out section six.

Mr. Slaughter offered the following substitute for section seven:

SEC. 7. It shall be the duty of the registrar to ascertain and report to the judges of election all illegal certificates existing in his county.

Mr. Abbott of Austin moved to amend the substitute by adding to the same, "and the registrar shall be the judge of the legality of the certificate.

Mr. Crudup moved to lay the substitute and proposed amendment thereto on the table.

The yeas and nays were demanded by Messrs. Slaughter, Mullins and Franks, and stood:

Yeas—Messrs. Austin, H. R. Allen, Abbott of Hill, Becton, Chambers, Crudup, Cole, Dorris, Gaston, Hughes, Hawkins, Jenkins, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Moore of Red River, Posey, Pierson, Robb, Ross, Schutze, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young—31.

Nays—Messrs. Abbott of Austin, R. Allen, Cooper, Cotton, Camp, Dupree, Davis, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp, Zoeller—41.

So the House refused to lay the substitute and amendment on the table.

The question then recurred upon the amendment offered by Mr. Abbott of Austin to the substitute.

The yeas and nays were demanded by Messrs. Dorris, Sinclair and Dupree, and stood:

Yeas—Messrs. Abbott of Austin, R. Allen, Cooper, Cotton, Camp, Dupree, Davis, Franks, Grothaus, George, Harn, Hamilton, Kendall, Locke, Manning, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—37.

Nays—Messrs. Austin, H. R. Allen, Abbott of Hill, Becton, Crudup, Cole, Dorris, Gaston, Hughes, Hawkins, Johnson, Jenkins, Lacy, Lane, Leonard, Morris, McLean, McKee of Fannin, Miller, Moore of Red River, Posey, Pierson, Robb, Ross, Schutze, Simmons, Sinclair, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York—34.

So the amendment was adopted.

Mr. Sinclair moved to recommit the bill to the Committee on Privileges and Elections. Lost.

The question then recurred, "Shall the section proposed by Mr. Slaughter as amended be made part of the bill to be known as section seven, and section seven of the bill be known as section eight?"

The yeas and nays were demanded by Messrs. McLean, Leonard and Dorris, and stood:

Yeas—Messrs. Abbott of Austin, Allen, R., Burley, Cooper, Cotton, Camp, Dupree, Davis, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Kendall, Locke, Manning, Morrison, Moore of Harrison, Mitchel, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Austin, Allen, H. R., Abbott of Hill, Becton, Cole, Dorris, Gaston, Hughes, Hawkins, Johnson, Jenkins, Lacy, Lane, Leonard, Morris, McLean, McKee of Fannin, Miller, Moore

of Red River, Posey, Pierson, Robb, Ross, Schutze, Simmons, Sinclair, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York—33.

So the section was made a part of the bill.

Mr. Leonard moved that the House adjourn until ten o'clock A. M. to-morrow. Lost.

On motion of Mr. Sinclair the use of the hall was granted for a ball to-morrow evening.

On motion of Mr. Moore, of Red River, the House adjourned until ten o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 2, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; quorum present.

Absent—Mr. Camp.

On motion of Mr. Morrison, the reading of the Journal for yesterday was dispensed with.

Mr. McKee of Fannin presented a petition of citizens of Fannin county, for a bridge across Bois d'Arc river, in Fannin county.

Petition read and referred to Committee on Roads, Bridges and Ferries.

Mr. Young presented a memorial of James P. Goodright, late Assessor and Collector of Dallas county, Texas.

Memorial read and referred to Committee on Finance.

Mr. Young, Chairman of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
Austin, May 30, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred a bill entitled "An Act for the relief of the Texas and New Orleans Railroad Company, and to protect them in the enjoyment of their rights," having carefully examined said bill, a majority thereof would propose, as an addition to section one, as therein set forth, the following, viz: "Provided, that nothing contained in this act shall be considered as granting any lands or money, or reviving any grant of lands or money to said company"; and, this addition made, the said majority would report favorably upon, and recommend the passage of said bill.

Respectfully,

H. W. YOUNG,
Chairman of Committee.
ABNEY,
J. R. McKEE,
McLANE,
B. F. WILLIAMS,
E. P. BECTON,
C. D. MORRIS,
H. R. ALLEN.

Report and bill passed to orders of the day.

Mr. Grothaus, Chairman of Committee on Immigration, submitted the following report and resolution:

COMMITTEE ROOM,
Austin, May, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Immigration beg leave to submit the following report:

The natural advantages of our great Empire State being of themselves a powerful inducement to immigration if only published and distributed both in the States, and, also, translated into the German language, in that part of Europe from where we may expect to get the most desirable immigration through any foreign agent, your committee would respectfully propose that the same be authorized to contract for the compiling and writing of a book in pamphlet form to contain, as leading features, to-wit:

TEXAS—ITS ADVANTAGES.

1. Historical outline.
2. Geographical outline.
3. The Constitution of the State as adopted.
4. Physical characteristics of the State described by sections.
5. Railroads built and projected. Rivers, to what extent navigable, etc.
6. Its timbers (description of, etc).
7. Agricultural facilities and capacity, etc., the soils and the different products.
8. Stock-raising, horses, cattle, sheep, hogs.
9. Social status.
10. Education and schools.
11. State University, colleges, etc.
12. Charitable institutions, public buildings, etc.
13. Commercial status.
14. Manufacturing facilities.
15. The climate of Texas, growing season, fruits, flowers, etc.
16. Bees.
17. State agricultural societies.
18. Cheapness of opening farms.
19. Mineral resources.
20. Texas the resort of consumptives.
21. General information.
22. Texas in 1870.
23. State officers.
24. Members of the Legislature.

Your committee, therefore, respectfully recommend the adoption of the accompanying resolution:

Resolved, That the sum of three thousand dollars, or so much thereof as may be necessary, is hereby set aside from the appropriation for contingent expenses of this Legislature, to pay for the compiling, writing, printing and binding of the same.

T. E. GROTHAUS,
Chairman of Committee on Immigration.

Mr. Abney moved the adoption of the resolution reported by the Committee on Immigration. Lost.

Mr. Schutze moved that the consideration of the resolution be postponed indefinitely.

On motion of Mr. Burnett the report and resolution were recommitted to the Committee on Immigration.

Mr. Slaughter, Chairman of the Committee on Finance, submitted the following reports:

COMMITTEE ROOM,
Austin, June 1, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House Bill No. 161, entitled "An Act validating appropriations made by the Commanding General, J. J. Reynolds, for the support of the Provisional Government of Texas for the year 1870," would report that they have had the same under consideration, and most respectfully recommend that the same be passed.

SLAUGHTER, Chairman.

COMMITTEE ROOM,
Austin, June 1, 1870.

To Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Finance, to whom was referred House Bill No. 53, entitled "An Act to incorporate the Jefferson Insurance Savings and Exchange Company," have the honor to report that they have had the same under consideration, and most respectfully recommend that it be passed.

SLAUGHTER,
Chairman.

COMMITTEE ROOM,
Austin, Texas, June 1, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR.: Your Committee on Finance, to whom was referred House Bill No. 124, asking that the State taxes be remitted for the years

1870 and 1871 to the county of Coryell, and House Bill No. 131, making the same request for the benefit of Hays county, have the honor to report that, after mature deliberation, they are averse to the passage of such measures.

True, some counties may adduce most excellent proofs that such a remittance is essential and just, but the evidences given this body by the various bills and petitions already presented, make us know the necessity of a prompt refusal of all requests to relinquish State taxes, even though it may be found necessary to adopt some other manner of State assistance to impoverished counties.

With this view of the matter, the committee instruct me to report unfavorably on said bills, which they believe should not be passed.

SLAUGHTER,
Chairman.

Reports and bills passed to orders of the day.

Mr. Locke, Chairman of Committee on Agriculture and Stock-raising, submitted the following report:

COMMITTEE ROOM,
Austin, June 1, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee, to whom was referred Bill No. 165, entitled "An Act to incorporate the San Antonio Jockey Club," have had the same under consideration, and report the same back and recommend its passage.

LOCKE,
Chairman of Committee on Agriculture and Stock-raising.

Report and bill passed to orders of the day.

Mr. Tinsley, Chairman of Committee on Public Debt, submitted the following report:

COMMITTEE ROOM,
May 28, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee upon Public Debt beg leave to report that they have examined with great care the public indebtedness and present the annexed abstract as a part of this report. This abstract has been carefully compiled from the books of the Comptroller, and it will be observed that the first two items named in the State indebtedness are the first offspring of the rebellion in 1861. These items can form no part of the legitimate debt of the State. Under the pretense of organizing military companies for frontier protection, eight per cent. bonds were issued by an illegal Legislature (an au-

thority that was null and void *ab initio*,) to the amount of $13,100, which is now borne on the Comptroller's accounts as a part of the debt of the State. Apart from all want of power to create such a debt, it is well known that these frontier or minute men were mustered into the service of the rebellion, and waged war against the government of the United States. The act from which the authority to issue these bonds is derived, bears date of March 20, 1861, and a further act of April 8, 1861, involved the State in an additional indebtedness of $45,407.17, in which it is specifically stated that the debt so contracted was for "the military defense of the State," then at war against the government of the United States. By section thirty-four of the general provisions of the constitution, the Legislature is prohibited from making provision for the acknowledgment or payment of any debts created between the twenty-eighth day of January, 1861, and the fifth day of August, 1865; and all unpaid balances due for either military or civil service, prior to January 28, 1861, are declared by the constitution to be forfeited, if the claimant engaged thereafter in rebellion, or gave aid or countenance thereto. This constitutional provision will doubtless reduce the debt now appearing upon the Comptroller's books to within the sum of two hundred and twenty-five thousand dollars. But it is not within the power of your committee, or even the Comptroller himself, to approximate with any degree of certainty the exact amount of debt that is legitimately and constitutionally owing by the State. The ten per cent. warrants now outstanding and unpaid, according to the Comptroller's report, amount to $76,009.79. Of this sum it is believed that very little will be found that will not be canceled by the constitutional prohibition, thus reducing the actual indebtedness of the State to the amount of specie debt last noted in the table accompanying this report.

It appears from the printed report of the Comptroller, that there is now due and unpaid by defaulting officers of the State, the sum of $340,055.04, an amount sufficiently large to pay every cent of public debt that is now legally due and owing by the State. This large amount of money due the State is borne upon the Comptroller's books, and among them are sums for taxes dating back as early as 1837. By the report of the Attorney General it will be seen that efforts made for the collection of these debts through the recognized channels of the law, have not been successful; and your committee propose, in the accompanying bill which they present, a remedy for this evil and a manner of final settlement. It is believed by your committee that a very large part of the three hundred and forty thousand dollars can be collected through the operation of the law

proposed; wherefore, your committee have the honor to report the enclosed bill, and recommend it do pass.

A. D. TINSLEY,
Chairman.

STATEMENT OF THE PUBLIC DEBT.

From the books of the late Auditorial Board, created by Act of November 9, 1866, showing everything done by it in regard to this subject:

	AMOUNT AUDITED.	AMOUNT OUTSTANDING
Eight per cent. bonds, Act of March 20, 1861	$ 4,133 66	$ 13,000 00
Eight per cent bonds, Act of April 8, 1861	30,389 88	45,407 17
	34,523 44	58,507 17
Ten per cent. treasury warrants	72,680 05	76,009 79
Non-interest notes	35,047 61	43,418 90
Eight per cent. certificates	3,570 76	354 97
Unaudited claims	3,328 48	5,000 00
Totals	149,145 34	183,290 83
Six per cent. bonds issued for	125,000 00	149,145 34
Certificates unchanged	24,045 34	
Total debt		332,436 17

The following is the specie debt of the State, for which five per cent specie bonds have been executed, and are still in its possession:

	AMOUNT AUDITED.	AMOUNT OUTSTANDING
Amount of five per cent. State bonds issued to University Fund	$134,472 26	
Amount of State bonds issued to School Fund	82,168 82	
Total specie debt	$216,641 08	

RECAPITULATION.

Floating debt in currency.....	$332,436 17
Total specie debt held by the State.....	216,641 08
Total debt.....	$549,077 25

For detailed statement, refer to Comptroller's Report, 1867 and 1868, table xvi, page thirty-two.

Report and bill passed to orders of the day.

Mr. Robinson offered the following resolution:

WHEREAS, The ball, for which the use of this House has been granted, is designated the "State ball," which implies, as is customary, that it is given in honor of the officers of the State Government; and

Whereas, several members of this Legislature have had no invitation extended them, but are, in consequence of the admission being by card, practically excluded from what purports to be an affair of State, contrary to all precedent, in direct violation of republican principles, and in contravention to constitutional privileges, as set forth in the bill of rights; and

Whereas, this building was erected for purposes of legislation and matters connected therewith, and was not designed for private dances or assemblies, its use having been denied for those purposes heretofore, therefore

Resolved, That the ball before spoken of is not regarded by us as a public affair of State, but as a private entertainment.

Resolved, That the permission given for the use of this hall be and is hereby rescinded.

Resolution read first and second times.

Mr. McKee of Guadalupe moved the adoption of the resolution.

Mr. Slaughter moved to lay the resolution on the table.

The yeas and nays were demanded by Messrs. Slaughter, Pierson and Chambers.

Mr. Harn moved that the House adjourn until 10 o'clock, A. M., to-morrow.

The yeas and nays were demanded by Messrs. Locke, Robinson and Bonner, and stood:

Yeas—Messrs. Harn, Lacy, Schutze, Sinclair, Slaughter, Stockbridge, Spencer—7.

Nays—Messrs. Austin, Abney, H. R. Allen, R. Allen, Abbott of Hill, Becton, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, George, Hamilton, Haswell, Johnson, Jenkins, Kendall, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe,

Mitchel, Mullins, Medlock, Miller, Posey, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Sheriff, Simmons, Smyth, Stirman, Shelburne, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—67.

So the House refused to adjourn.

Mr. Abney gave notice that he would introduce a resolution changing the rule so that it would require one-fifth of the members to call the yeas and nays on a question instead of only three members.

The question recurring on the motion of Mr. Slaughter, the yeas and nays stood:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Chambers, Cooper, Crudup, Cole, Franks, Gaston, Gardiner, George, Harn, Johnson, Lyons, Morrison, Pierson, Prissick, Ross, Schlickum, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Spencer, Tegener, Tinsley, Weaver, of Johnson, Young, York, Youngkin—33.

Nays—Messrs. H. R. Allen, Richard Allen, Abbott of Hill, Becton, Booty, Burnett, Bonner, Cotton, Dupree, Davis, Dorris, Grothaus, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Manning, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Posey, Plumley, Robb, Robinson, Schlotman, Sheriff, Stockbridge, Van Noy, Weaver of Hunt, Williams of Walker, Williams of Colorado, Zapp—44.

So the House refused to lay the resolution on the table.

Mr. Slaughter moved a call of the House. Call sustained.

Absentees—Messrs. Camp, Ellis, Moore of Red River, and Zoeller.

On motion of Mr. Robinson Mr. Burnett was excused on account of sickness.

On motion of Mr. Tegener Mr. Zoeller was excused on account of sickness.

On motion of Mr. Cooper Mr. Camp was excused on account of sickness.

On motion of Mr. Robinson the call of the House was suspended.

The hour having arrived for the consideration of the special order set for 11 o'clock A. M., being the time set for receiving the excuses of members mentioned in a resolution reported by a special committee to investigate the conduct of certain members, Mr. McLean and others submitted the following:

HOUSE OF REPRESENTATIVES,
Austin, Texas, June 1, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: The undersigned members of this body, who withdrew from the Hall of Representatives on the thirty-first instant, on the occasion of the vote on the resolution rescinding the resolution of this House adopted on the twenty-ninth instant in regard to the price to be paid for the Daily Union newspaper, in accordance with a resolution this day adopted, respectfully explain their action on the occasion referred to be as follows:

First—We believed that from the vote on the twenty-ninth instant that the sense of the House was opposed to the adoption of the resolution, if a full House could be obtained. A call of the House was made to enforce the attendance of absent members, which call we understood the Speaker to announce was suspended; and previous to the calling of the yeas and nays by the clerk, as we believe, we left our seats, and finding the doors open, left the hall. We disclaim any intention to violate the rules of the House, and deny that a fair interpretation of our action on the occasion referred to will furnish any grounds for the inference that any disrespect was intended this honorable body. We further submit to the candid judgment of the House if it has not been a custom from time immemorial for minorities to temporarily break a quorum when it is believed that the public interest will thereby be subserved. We respectfully repeat that we believed our action in withdrawing from the hall was not in violation of the proprieties of parliamentary rules, and hereby present this our disclaimer of any intention to go beyond our privileges as members.

W. P. McLEAN,
S. S. WEAVER,
J. C. WEAVER,
B. B. LACY,
G. T. HASWELL,
W. B. STIRMAN,
T. E. ROSS.

On motion of Mr. Morris the House decided the explanation satisfactory.

Mr. Hughes and others submitted a written statement relative to their withdrawal from the House on the thirty-first instant, which the Speaker decided out of order, as it reflected on his action and that of the House.

Mr. Locke moved that the explanation be rejected.

The yeas and nays were demanded by Messrs. Schutze, Pierson and Miller, and stood:

Yeas—Messrs. Richard Allen, Burley, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Grothaus, Hamilton, Johnson, Kendall, Locke, Manning, Moore of Harrison, Morris, Mitchel, Medlock, Plumley, Prissick, Robinson, Schlotman, Sinclair, Slaughter, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp—32.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Bonner, Chambers, Crudup, Cole, Gardiner, George, Harn, Haswell, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, McKee of Gaudalupe, Miller, Pierson, Schlickum, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Spencer, Tegener, Weaver of Hunt, Weaver of Johnson—33.

So the House refused to reject the explanation.

Mr. Tegener moved to reconsider the vote by which the House refused to reject the explanation.

Mr. Sinclair moved a call of the House. Call sustained.

Absentees—Messrs. H. R. Allen, Ellis, Moore of Red River.

On motion of Mr. Richard Allen, Mr. H. R. Allen was excused on account of sickness.

The sergeant-at-arms was dispatched for the absentees.

On motion of Mr. Chambers, the call of the House was suspended.

Mr. Pierson moved that the House adjourn until ten o'clock, A. M., to-morrow.

The yeas and nays were demanded by Messrs. Pierson, Chambers and Burley, and stood:

Yeas—Messrs. Austin, Chambers, Cooper, Cole, Gaston, Gardiner, Hughes, Harn, Haswell, Kyle, Lacy, Lyons, Manning, McLean, Pierson, Robb, Ross, Smyth, —18.

Nays—Messrs. Abney, Abbott of Austin, Richard Allen, Abbott of Hill, Becton, Burley, Booty, Bonner, Cotton, Crudup, Dupree, Davis, Dorris, Franks, Grothaus, George, Hamilton, Hawkins, Johnson, Jenkins, Kendall, Lane, Leonard, Locke, Morrison, Moore of Harrison, Morris, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Posey, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp—59.

So the House refused to adjourn.

The question then recurred on the motion of Mr. Tegener, to re-

consider the vote refusing to reject the explanation of Mr. Hughes and others.

The yeas and nays were demanded by Messrs. Abbott of Hill, Locke and Lacy, and stood:

Yeas—Messrs. Abney, Abbott of Austin, Allen, R., Burley, Bonner, Cooper, Cotton, Crudup, Dupree, Davis, Dorris, Franks, Grothaus, George, Hamilton, Haswell, Johnson, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp—45.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Chambers, Cole, Harn, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Pierson, Ross, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—24.

So the House decided to reconsider.

Mr. Slaughter moved that all those who absented themselves from this hall while the House was under a call, on May 31, and who have not made satisfactory excuses received by this House, be placed in the custody of the Sergeant-at-Arms until they make satisfactory explanation, or the House acts on their case.

Mr. Slaughter moved that the members whose arrest had been moved be allowed to show cause why they should not be arrested.

The yeas and nays were demanded by Messrs. Miller, McLean and Lacy, and stood:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Burley, Booty, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Dorris, Gaston, George, Harn, Hamilton, Haswell, Johnson, Kendall, Lacy, Lane, Leonard, Lyons, Manning, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Miller, Pierson, Plumley, Prissick, Ross, Schlickum, Schlotman, Schutze, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, York, Zapp—57.

Nays—Messrs. R. Allen, Dupree, Davis, Franks, Gardiner, Grothaus, Locke, Morrison, Mullins, Robinson, Sheriff, Sinclair, B. F. Williams, Youngkin—14.

So the members were allowed to explain.

Mr. Austin moved that the House adjourn until ten o'clock A. M. to-morrow. Lost.

Mr. Franks moved the previous question.

Previous question sustained.

The question then recurred, "Shall the main question be now put?" Upon which the yeas and nays were demanded by Messrs. Schutze, McLean and Pierson, and stood:

Yeas—Messrs. Abbott of Austin, Allen, R., Burley, Bonner, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Hamilton, Johnson, Kendall, Locke, Manning, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp—40.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Chambers, Cole, Gaston, George, Haswell, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Pierson, Ross, Schutze, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, York—27.

So the main question was ordered.

The main question being upon the motion of Mr. Slaughter in regard to placing certain members under arrest, the yeas and nays were demanded by Messrs. Schutze, Miller and Pierson, and stood:

Yeas—Messrs. Allen R., Burley, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Johnson, Kendall, Locke, Manning, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp—38.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Bonner, Chambers, Cole, Gaston, Haswell, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Pierson, Ross, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, York—29.

So the House ordered their arrest.

The question then recurring upon the motion to reject the explanation offered by Mr. Hughes and others, it was rejected.

Mr. Locke introduced a bill to be entitled "An Act to incorporate the Colorado Bridge Company."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

On motion of Mr. McLean, Mr. Moore of Red River, who was brought in by the Sergeant-at-Arms, was excused from paying the penalty, and released from arrest.

Mr. Slaughter moved that the House adjourn until ten o'clock A. M. to-morrow.

The yeas and nays were demanded by Messrs. Richard Allen, Schutze and Burley, and stood:

Yeas—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Bonner, Chambers, Cooper, Cole, Gaston, Gardiner, Grothaus, George, Harn, Lacy, Lyons, Manning, McLean, Pierson, Ross, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Spencer, Tegener, Tinsley, Weaver of Hunt, Weaver of Johnson, York, Youngkin—34.

Nays—Messrs. Richard Allen, Burley, Cotton, Dupree, Davis, Dorris, Franks, Hamilton, Haswell, Johnson, Kendall, Lane, Leonard, Locke, Moore of Harrison, Morris, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Stockbridge, Williams of Walker, Williams of Colorado, Zapp—33.

So the House adjourned.

HOUSE OF REPRESENTATIVES,

AUSTIN, Texas, June 3, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. McKee of Guadalupe the reading of the journal for yesterday was dispensed with.

Mr. Crudup moved that the House adjourn until three o'clock P. M., and that the Sergeant-at-Arms be instructed to replace the matting on the floor.

The yeas and nays were demanded by Messrs. McKee of Guadalupe, Locke and R. Allen, and stood:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Abbott of Hill, Booty, Crudup, Cole, Camp, Davis, Gaston, Gardiner, George, Haswell, Lyons, McLean, McKee of Fannin, Moore of Red River, Pierson, Robinson, Sheriff, Williams of Colorado—20.

Nays—Messrs. Austin, Richard Allen, Becton, Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Dupree, Harn, Hamilton, Kendall, Lacy, Lane, Leonard, Locke, Manning, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Ross, Schlickum, Schlotman, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, York, Youngkin, Zapp, Zoeller—44.

So the House refused to adjourn.

Mr Pierson presented the following explanation of Mr. Ellis:

AUSTIN, Texas, June 3, 1870.

To the Hon. IRA H. EVANS,

Speaker of the House of Representatives:

SIR: In compliance with the resolutions adopted by the House on June 1, requiring those members who have not been excused for their withdrawal from the House to render a satisfactory explanation of their conduct, or be reprimanded by the Speaker, I make this statement in reference to my action in the matter.

When the final vote was about to be taken on the resolution introduced by the Hon. Mr. Morrison, two or three members arose and walked towards the door. I at first did not know their object on leaving their seats, but when the Hon. Mr. McLean, representative from Titus, returned to his seat and asked the Speaker if the call of the House was suspended, I understood the Speaker to respond in the affirmative. Believing this, and seeing a large number of the members leaving the House, I then knew the object intended, viz: to break a quorum in order either to defeat or defer the adoption of

the resolution, and acted with them. These are my reasons for leaving, and not for the purpose of acting unparliamentary, or of treating the House with contempt or disrespect.

H. C. ELLIS.

On motion of Mr. Cooper, the explanation was received by the House as satisfactory.

On motion of Mr. McLean, that part of the journal of yesterday which reads as follows, was expunged:

"On motion, of Mr. McLean, Mr. Moore of Red River, who was brought in by the Sergeant-at-Arms, was excused from paying the penalty and released from arrest."

Mr. Cooper presented a petition from citizens, praying for a new county out of portions of the counties of Houston, Walker and Trinity.

Petition read and referred to Committee on Counties and County Boundaries.

The Speaker laid before the House a petition from citizens of Galveston, protesting against the passage of a bill introduced in the House to grant the right to the Galveston Wharf Company to build a railroad from their wharves to the Galveston, Houston and Henderson railroad.

Petition read and referred to Committee on Internal Improvements.

Mr. McKee of Fannin presented the petition of Mary F. Turner, asking land certificate.

Petition read and referred to Committee on Private Land Claims.

Mr. Lane presented a petition from citizens of Collin and Dallas counties, protesting against the creation of a new county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Slaughter, Chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOMS,
Austin, June 3, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Finance, to whom was referred the memorial of James L. Lipscomb and John Blair of Houston county, Texas, praying to be relieved from Henry G. McDaniel's bond as assessor and collector of taxes of said Houston county, have had the same under consideration, and from their investigation find that the said Henry G. McDaniel had a settlement with the Comptroller of the State of Texas, and that the said McDaniel departed this life, away from his home, in said Houston county, and that his papers

and receipts pertaining to said settlement with said Comptroller could not be found. Your committee would further state that the State of Texas has not been injured or damaged on the said Henry G. McDaniel's account, therefore your committee herewith returns a bill and most respectfully recommend its passage.

GEORGE H. SLAUGHTER, Chairman.

Report and bill passed to orders of the day.

Mr. Burnett introduced a bill to be entitled "An Act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same."

Bill read first time, and referred to Committee on Internal Improvements.

Also, a bill to be entitled "An Act for the relief of Harrison W. Moore."

Bill read first time, and referred to Committee on Claims and Accounts.

Mr. Camp introduced a bill to be entitled "An Act to provide for the establishment of quarantine regulations in the ports of this State."

Bill read first time, and referred to Committee on Commerce and Manufactures.

Also, a bill to be entitled "An Act to authorize and require the Governor to appoint an agent of State salines to take possession of the salt lake known as 'El Sal del Rey' and other salines herein mentioned, and to pay over the moneys arising therefrom to the State."

Bill read first time, and referred to Committee on Commerce and Manufactures.

Mr. Spencer introduced a bill to be entitled "An Act to ascertain and adjudicate certain legal claims for land against the State situated between the Nueces and Rio Grande river."

Bill read first time, and referred to Committee on Public Lands and Land Office.

Mr. Cooper introduced a bill to be entitled "An Act to amend article 773 of the Penal Code."

Bill read first time, and referred to Committee on Judiciary.

On motion of Mr. Sheriff, House Bill No. 139, to be entitled "An Act incorporating the Buffalo Bayou Ship Channel Company," was recommitted to the Committee on Internal Improvements.

Mr. Abbott of Hill introduced a bill to be entitled "An Act to regulate appeals from judgments rendered in justices' courts."

Bill read first time, and referred to Committee on Judiciary.

Mr. Tinsley introduced a bill to be entitled "An Act legalizing a special tax to be collected for 1870 in Rusk county."

Bill read first time, and referred to Committee on Finance.

Mr. Abbott, of Hill, introduced a bill to be entitled "An Act to

authorize Car Forest to erect a toll bridge over Chambers' Creek, in Ellis county."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Chambers introduced a bill to be entitled "An Act to incorporate the Cedar Bayou Bar Company."

Bill read first time and referred to Committee on Commerce and Manufactures.

On motion of Mr. Plumley Mr. Butler was excused from attendance on account of sickness.

Mr. Shelburne introduced a bill to be entitled "An Act to incorporate the East-fork Plank Road Company."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Lane introduced a bill to be entitled "An Act to further regulate the license and practice of attorneys and counselors-at-law."

Bill read first time and referred to Committee on Judiciary.

Also a bill to be entitled "An Act to authorize the District Court of Dallas county and Supreme Court of this State to license Charles H. Jenkins, of Dallas county, as an attorney and counselor-at-law."

Bill read first time and referred to Committee on Judiciary.

Mr. Plumley introduced a bill to be entitled "An Act to incorporate the city of Galveston, Texas, and to grant said city a new charter," etc.

Bill read first time and referred to Committee on Town and City Corporations.

Mr. Tegener introduced a bill to be entitled "An Act to incorporate Herman University."

Bill read first time and referred to Committee on State Affairs.

Mr. Slaughter introduced a bill to be entitled "An Act appropriating five thousand dollars for the payment of fees due district attorneys, district clerks and sheriffs, for the years 1865, 1866, 1867 and 1868."

Bill read first time and referred to Committee on Finance.

Also a bill to be entitled "An Act to incorporate the Emigration Company of the State of Texas."

Bill read first time and referred to Committee on Immigration.

Mr. Crudup introduced a bill to be entitled "An Act for the relief of district attorneys *pro tem.*"

Bill read first time and referred to Committee on Finance.

Mr. Crudup introduced a bill to be entitled "An Act to incorporate the Bosque Bridge and Manufacturing Company of McLennan county."

Bill read first time and referred to Committee on Commerce and Manufactures.

Mr. Abney offered the following resolution:

Resolved, That the following amendment shall hereafter be and constitute a part of rule 48 of the Rules of Order of the House of Representatives of the Tenth Legislature: "And a like number shall cause the yeas and nays to be entered on the journal."

On motion of Mr. Chambers the resolution was rejected.

Mr. York offered the following joint resolution:

WHEREAS, It is necessary that the entire general laws of the State should at once be recodified and adapted to the new Constitution; therefore, be it

Resolved by the Senate and House of Representatives, That the Governor be and he is hereby authorized to appoint a commission of five men learned in the law to at once commence said work, and to report to the Legislature, through the Governor, as speedily as practicable, that the Legislature may act thereon.

Joint resolution read first time and referred to Committee on Judiciary.

Mr. Robinson introduced a bill to be entitled "An Act to incorporate the Excelsior Real Estate and Building Association."

Bill read first time and referred to Committee on Judiciary.

Mr. Richard Allen and others presented the following protest and asked that it be spread on the journal:

AUSTIN, June 3, 1870.

We, the undersigned, members of the House of Representatives, dissenting from the action of the House in regard to the "Grand State Ball," given at the Capitol on the evening of the second instant, do offer this, our solemn protest, and ask that it may be spread upon the journal for the following reasons:

1. That no invitation was extended to eleven members, and as the admission was by card they were thus practically excluded, whereas we believe that in all matters and affairs of State no such distinction should rightfully have been made.

2. That in case the name "State Ball" was a misnomer, the use of the hall should not have been granted, as it was erected for other and far different purposes, and has, heretofore, been refused in like cases, to say nothing of lectures tending to educational improvement.

3. Because the desks and chairs of various members, which were not removed by order of the House, were taken from the hall against their consent, thereby interfering with the transaction of public business.

4. Because we believe the whole affair to have been in violation of

the rights of certain members as representatives of the people, and calculated to work political evil, the parties having been excluded on account of the "prejudice of color."

W. G. ROBINSON,	W. W. DAVIS,
G. DUPREE,	RICHARD ALLEN,
M. KENDALL,	J. J. HAMILTON,
H. MOORE,	SILAS COTTON,
S. MULLENS,	JNO. MITCHEL,
RICHARD WILLIAMS,	H. R. ALLEN,
DAVID MEDLOCK,	D. W. BURLEY,
JAMES F. McKEE,	ROBERT ZAPP.

Mr. McLean offered the following resolution:

Resolved, That from and after to-day the House shall, at 11 o'clock of each day, take up in the order of presentation the bills, resolutions, and other matters now constituting the regular file of business on the Speaker's table, and continue so to consider the new business that may be hereafter presented until otherwise ordered.

Resolution read first and second times.

Mr. Slaughter offered the following substitute:

Resolved, That on and after Monday next this House will meet every morning at ten o'clock and adjourn at one P. M., which session shall be devoted exclusively to the business on the Speaker's table.

Further resolved, That it will meet at 8:30 P. M., and adjourn at 10:30 P. M., which session shall be given to the introducing of bills, etc., hearing reports from committees, and other business than that on Speaker's table and unfinished business.

The substitute, by leave, was withdrawn.

Mr. Sinclair offered the following substitute:

WHEREAS, The Legislature of the State of Texas has been in session over one month; and

Whereas, There are many important measures pending, the passage of which are positively necessary, in order to enable the Governor of the State to put the machinery of the State government in operation; and

Whereas, The amount of new business that is daily introduced precludes all hope of speedily reaching these highly important measures in the regular order of business,

Therefore be it resolved, That this House will, each day hereafter, as soon as reports of committees shall have been received, at once proceed to the consideration of such measures as are of most importance to the general welfare of the State, and necessary to pass, to enable the Governor of the State to proceed to the completion of a more perfect organization of the civil government of the State.

2. *Resolved*, That the following measures being considered most necessary and important, shall be taken up and disposed of as nearly as practicable in the order in which they are named, to-wit:

1. Appropriation to defray printing and contingent expenses.
2. Police bill.
3. Enabling act, and for appointment of civil officers.
4. Act for investigating and deciding cases of fraud, etc., in election of county officers during recent election.
5. Act districting the State for judicial purposes.
6. Bill providing safe jails and courthouses.
7. Bill providing for boards of registration and judges of election.
8. Bill regulating the carrying of deadly weapons on the person, and adequate penalties.
9. An act to regulate probate matters before judges and clerks of District Courts.
10. A quarantine law.
11. Law regulating fees of clerks, and enabling them to collect costs.

3. *Resolved*, That the foregoing matters, and others of kindred nature and thereunto appertaining, shall take precedence over all and any business that may be brought up, and this resolution shall be considered as a standing rule of this House, and when other business is sought to be introduced, it shall only be by a suspension of the resolution by a two-thirds vote.

Mr. McLean moved that the substitute be laid on the table.

The yeas and nays were demanded by Messrs. Sinclair, Morrison and Locke, and stood:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Booty, Chambers, Crudup, Ellis, Gaston, Lacy, Leonard, Morris, McLean, McKee of Fannin, Miller, Moore of Red River, Pierson, Simmons, Smyth, Stirman, Tegener, Weaver of Hunt—25.

Nays—Messrs. Burley, Burnett, Bonner, Cooper, Cotton, Cole, Camp, Dupree, Davis, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Kendal, Lane, Locke, Lyons, Manning, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Shelburne, Spencer, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—46.

So the House refused to lay the substitute on the table.

The resolution and substitute were laid over under the rules.

On motion of Mr. Slaughter Mr. Dorris was granted leave of absence until Monday next.

Mr. Young introduced a bill to be entitled "An Act for the relief of James P. Goodnight, late Assessor and Collector of Dallas county, Texas."

Bill read first time and referred to the Committee on Finance.

Mr. Plumley introduced a bill to be entitled "An Act to incorporate the Phœnix Express and Transportation Company."

Bill read first time and referred to Committee on Commerce and Manufactures.

Also, a bill to be entitled "An Act to incorporate the Austin Bridge Company."

Bill read first time and referred to Committee on Roads, Bridges and Ferries."

Mr. Zapp introduced a bill to be entitled "An Act to incorporate the Germania Association of Fayetteville, Fayette county, Texas, a society for the encouragement of literary pursuits and the propagation of a social and familiar intercourse."

Bill read first time and referred to Committee on State Affairs.

Mr. Zapp introduced the following resolution:

Resolved, That the resolution passed in this House, authorizing the appointment and sending a committee of three to attend the Houston Volksfest, be and the same is hereby rescinded.

Resolution read first and second times.

Mr. Slaughter moved that the resolution be considered in committee of the whole House, at 8:30 o'clock this P. M.

Mr. Sinclair moved the previous question. Previous question sustained.

The question then recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded by Messrs. Schutze, Locke and Miller, and stood:

Yeas—Messrs. Abney, Allen, H. R., Allen, R., Burley, Burnett, Chambers, Cooper, Cotton, Crudup, Dupree, Davis, Franks, Gardiner, George, Hamilton, Kendall, Lacy, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Pierson, Plumley, Prissick, Robinson, Ross, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—53.

Nays—Messrs. Austin, Booty, Bonner, Cole, Ellis, Gaston, Grothaus, Lane, Moore of Red River, Schlickum, Schlotman, Simmons, Smyth, Stirman—14.

So the main question was ordered.

The main question being upon the adoption of the resolution

offered by Mr. Zapp, the yeas and nays were demanded by Messrs. Schutze, Miller and McLean, and stood:

Yeas—Messrs. Abbott of Austin, Allen, H. R., Allen, R., Burley, Burnett, Bonner, Cooper, Cole, Dupree, Davis, Franks, Gardiner, George, Hamilton, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tinsley, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp—39.

Nays—Messrs. Austin, Abney, Abbott of Hill, Booty, Chambers, Cotton, Crudup, Ellis, Gaston, Grothaus, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Ross, Schlickum, Schlotman, Simmons, Smyth, Stirman, Shelburne, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson, Young, Zoeller—32.

So the resolution was adopted.

Mr. Morrison moved to reconsider the vote adopting the resolution offered by Mr. Zapp, and to lay the motion to reconsider on the table.

Mr. Schutze moved a call of the House.

Call sustained.

Absentees—Messrs. Camp, Franks and Johnson.

On motion of Mr. R. Allen Mr. Camp was excused on account of sickness.

Mr. Burley moved to adjourn until 10 o'clock A. M. to-morrow.

Upon which the yeas and nays were demanded by Messrs. Schutze, Chambers and Lacy, and stood:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Bonner, Cotton, Crudup, Ellis, Gaston, Grothaus, Lacy, Leonard, Locke, Lyons, Manning, Morris, McLean, McKee of Fannin, Mullins, Miller, Moore of Red River, Pierson, Prissick, Robinson, Schutze, Simmons, Slaughter, Smyth, Stockbridge, Spencer, Tegener, Van Noy, Weaver of Hunt, Young, York, Zoeller—40.

Nays—Messrs. R. Allen, Burnett, Chambers, Cooper, Cole, Dupree, Davis, Gardiner, George, Harn, Hamilton, Kendall, Lane, Morrison, Moore of Harrison, McKee of Guodalupe, Mitchel, Medlock, Plumley, Ross, Schlickum, Schlotman, Sheriff, Sinclair, Stirman, Shelburne, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, Youngkin, Zapp—32.

So the House adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 4, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; quorum present.

Absentees—Messrs. Gardiner and Haswell.

On motion of Mr. Franks, the reading of the journal for yesterday was dispensed with.

Messrs. Gardiner and Haswell were excused from attendance on account of illness.

Mr. Burnett moved a suspension of the rules to take up a resolution offered by Mr. McLean, and a substitute offered by Mr. Sinclair, yesterday, in regard to the procedure of the business of the House.

The yeas and nays were demanded by Messrs. Morrison, Burnett and Robinson, and stood:

Yeas—Messrs. Abney, Abbott of Austin, Richard Allen, Butler Burley, Burnett, Bonner, Cooper, Cotton, Camp, Dupree, Davis, Franks, Grothaus, George, Hamilton, Johnson, Kendall, Locke, Manning, Morrison, Moore of Harrison, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Young, Zapp, Zoeller—42.

Nays—Messrs. Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Chambers, Crudup, Cole, Ellis, Gaston, Harn, Lacy, Lane, Leonard, Lyons, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Pierson, Ross, Schutze, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, York—30.

So the House refused to suspend the rules.

Mr. McLean presented the following explanation from Mr. Hughes and others relative to their conduct on the thirty-first ultimo and first instant:

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: We the undersigned members of this House now beg most respectfully to represent that in our manifesto of June the first it was not our intention to treat with disrespect this honorable body, or any member thereof, and we here distinctly and expressly disclaim any intention of being in contempt of this House or of using any disrespectful or unparliamentary language, or any intention at the

time we withdrew of showing disrespect to the House, or of violating any rule thereof.

Very respectfully,

WM. E. HUGHES,
J. E. HAWKINS,
ED. L. ROBB,
F. KYLE,
J. C. JENKINS.

Mr. Plumley offered resolution:

Resolved, That the gentlemen, members of this House, now under arrest, be released and excused whenever they present to this House the following addition to their explanation:

"And we hereby withdraw whatever of language may have been deemed offensive to the House or to the Speaker thereof, in any of the communications by us addressed to the House."

Resolution read first and second times, and on motion of Mr. Butler it was adopted.

On motion of Mr. Butler the rules were suspended for the immediate consideration of the resolution offered by Mr. McLean, and the substitute offered by Mr. Sinclair.

Mr. Abbott of Hill moved to amend the substitute offered by Mr. Sinclair by striking out the following words in the fourth paragraph: "as soon as reports of committees shall have been received, at once," and inserting in place thereof the following words: "each day hereafter at 11 o'lock, A. M."

On motion of Mr. Sinclair, the amendment was adopted.

On motion of Mr. Butler the substitute was adopted.

By unanimous consent, Mr. Sinclair introduced a bill, to be entitled "An Act in Relation to the Missouri, Kansas and Texas Railway Company—Late Union Pacific Railway Company, Southern Branch."

Bill read first time, and referred to Committee on Internal Improvements.

By unanimous consent, Mr. Johnson introduced a bill to be entitled "An Act Permanently Establishing the County Seat of Hopkins County."

Bill read first time, and referred to Committee on Counties and County Boundaries.

By unanimous consent, Mr. Becton presented a remonstrance from citizens of Hopkins county, protesting against the passage of the bill introduced by Mr. Johnson.

Remonstrance referred to Committee on Counties and County Boundaries.

Mr. McLean, on behalf of Mr. Hughes and others, submitted the following:

Austin, June 4, 1870.

Hon. IRA H. EVANS,

Speaker House of Representatives:

SIR: We hereby withdraw whatever of language may have been deemed offensive to the House or to the Speaker thereof, in any of the communications by us addressed to the House.

J. C. JENKINS,
F. KYLE,
W. E. HUGHES,
J. E. HAWKINS,
E. L. ROBB,
J. W. POSEY.

The above named members were then released from arrest, and took their seats.

On motion of Mr. Sinclair, the rules were suspended to take up House bill No. 115, to be entitled "An Act to Establish a System of Registration."

Mr. Plumley presented a substitute for the bill, to be entitled "An Act to Provide for the Registration of Voters; the Mode and Manner of Conducting Elections, Making Returns, and for the Protection of the Purity of the Ballot Box," and asked leave that it be printed and laid on the members' desks.

It was so ordered.

Senate bill No. 74, to be entitled "An Act to Appropriate Fifteen Thousand Dollars for the Payment of Contingent Expenses of the Twelfth Legislature." Read second time.

On motion of Mr. Sinclair, the House resolved itself into Committee of the Whole for the consideration of the bill.

[Mr. Sinclair in the chair.]

The committee rose; the chairman reported progress; that the committee had had under consideration Senate Bill No. 74, and recommended its passage, with the following amendments:

Amend caption so as to read "Printing and Contingent Expenses."

Amend first section by inserting the words "printing and contingent" after the words "defray the," and before the word "expenses."

The chairman of the committee asked that the committee be discharged from further consideration of the bill.

On motion of Mr. Burnett the report was adopted, the committee discharged, and the amendments recommended by the Committee of the Whole adopted.

On motion of Mr. Sinclair, the bill as amended was ordered to be engrossed and read the third time.

On motion of Mr. Cooper, the rules were further suspended to put the bill on its final passage.

Bill read third time and passed by the following vote;

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Richard Allen, Beeton, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Dupree, Dorris, Ellis, Franks, Gaston, Grothaus, George, Hughes, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—76.

Nays—Messrs. Abbott of Hill, Ross, Smyth—3.

Mr. Burnett moved that the clerk be dispatched to the Senate asking the concurrence of that body in the amendments adopted by the House to the bill just passed. Carried.

House Bill No. 80, to be entitled "An Act to establish a State police and provide for the regulation and government of the same." Read second time.

On motion of Mr. Abbott of Hill, the bill was made the special order for eleven o'clock A. M., Monday next.

A bill introduced by Judiciary Committee to be entitled "An Act to provide for the appointment by the Governor of certain officers to fill vacancies," read first time.

A special message was received from the Governor by his private secretary.

On motion of Mr. Franks the rules were suspended for the reading of the following communication from the Governor:

EXECUTIVE OFFICE,
Austin, May 23, 1870.

To the Honorable Senate and House of Representatives
of the State of Texas:

GENTLEMEN: I have the honor to inform you that "An Act making an appropriation for the mileage and per diem pay of members and employes of the present Legislature," received May 13, 1870; concurrent resolution instructing the Comptroller to audit mileage accounts in accordance therewith," received May 13, 1870; "Joint resolution to authorize officers elect to act under existing

laws until further legislation," received May 23, 1870; were all approved on the dates mentioned above.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE OFFICE,
Austin, June 1, 1870.

To the Hon. Senate and House of Representatives
of the State of Texas:

GENTLEMEN: I have the honor to inform you that House joint resolution No. 3, received May 24, 1870: House joint resolution No. 4, received May 24, 1870: House joint resolution No. 1, received May 27, 1870; were all approved on the dates mentioned above.

Respectfully,

EDMUND J. DAVIS,
Governor.

House bill No. 63, to be entitled "An Act to authorize and require the Governor to appoint district attorneys and other officers."

Read second time.

On motion of Mr. Posey the bill was recommitted to Judiciary Committee.

On motion of Mr. Johnson the rules were suspended to allow Mr. Cooper, Chairman of Committee on Counties and County Boundaries, to submit the following report:

COMMITTEE ROOM,
Austin, June 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petition of the citizens of a portion of the counties of Austin, Grimes, Montgomery and Harris, praying for the creation of a new county, and for the county site to be located at Hempstead, have had the same under consideration, and find that the citizens of Austin county in that portion of said county that desires to be made part of the new county reside on the opposite side of the Brazos river from Bellville the county site of said Austin county, and they live at the distance from twenty to twenty-five miles from said county site, and in the spring of the year, and some times in the fall of the year, it is almost impossible to cross said river to attend court at said county site; besides, some five or six hundred citizens of said portion of the counties have petitioned your honorable body for said new county. The portions of the other counties above named have also petitioned your honorable body largely for said new

county, and showing the many reasons why they should have said new county, therefore your committee, having heard all that was desired to be said, both from those who desire the new county and the few who oppose it, and being driven to the conclusion that the said citizens stand in great need of the new county, and your committee further believing that counties are made for the convenience of the masses, and not to be monopolized by a few property holders to the great inconvenience of the rest of the citizens, your committee believes that the new county is demanded at the hands of your honorable body, therefore your committee herewith presents a bill and highly recommends its passage to create the county of Peoples, which contains the constitutional number of square miles.

L. W. COOPER,
Chairman,
YORK,
DUPREE,
BONNER,
MILLER.

On motion of Mr. Plumley, the rules were suspended to allow the Chairman of Committee on Commerce and Manufactures to submit the following report:

COMMITTEE ROOM,
Austin, June 4, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House Bill No. 178, "An Act to provide for quarantine regulations on the coast of Texas," have instructed me to report said bill with a substitute therefor, and recommend that the substitute be adopted and passed.

Respectfully,
B. RUSH PLUMLEY,
Chairman of Committee.

On motion of Mr. Plumley, the rules were suspended for the consideration of House Bill No. 178, entitled "An Act for the establishment of quarantine regulations in the ports of this State."

Bill read second time.

Substitute offered by the Committee on Commerce and Manufactures was read, and on motion of Mr. Plumley, adopted in the place of the bill.

On motion of Mr, Plumley, the House resolved itself into Committee of the Whole for the consideration of the bill.

[Mr. Plumley in the chair.]

Committee rose; chairman reported that the committee had had

the bill under consideration, and recommended its passage with the following amendment: in section 9 strike out the words "shall be" and insert in place thereof, "is hereby," and asked that the committee be discharged from further consideration of the bill.

Report adopted and committee discharged.

On motion of Mr. Plumley, the bill was ordered to be engrossed, and read third time.

On motion of Mr. Moore, of Red River, the rules were suspended to allow him to introduce the following resolution:

WHEREAS, the Hon. A. H. Latimer is now sojourning in this city for a short time; and

Whereas, Judge Latimer has been prominently associated with the affairs of this State from its earliest recollections to the present time, as the advocate and defender of liberty and free government; therefore

Resolved, That Judge Latimer be invited to a seat in this hall during its sittings, and that the clerk be authorized to inform him of these proceedings.

Resolution read first and second times, and on motion of Mr. Grothaus it was adopted.

On motion of Mr. Camp the rules were further suspended to put House bill No. 178 upon its final passage.

Bill read third time and passed by the following vote:

Yeas—Messrs. Austin, Abbott of Austin, Allen H. R., Allen Richard, Abbott of Hill, Becton, Butler, Burley. Booty, Bonner, Chambers, Cooper, Cotton, Camp, Dupree, Davis, Ellis, Franks, Gaston, Grothaus, George, Hughes, Harn, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Gaudalupe, Mitchel, Mullens, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—73.

Nays—Mr. Spencer—1.

On motion of Mr. Slaughter the House adjourned until ten o'clock A. M. on Monday next.

HOUSE OF REPRESENTATIVES.

Austin, Texas. June 6, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Camp and Abbott of Hill.

Messrs. Camp and Abbott of Hill were excused from attendance on account of sickness.

On motion of Mr. Abney, the reading of the journal for Saturday, June 4, was dispensed with.

Mr. Zoeller presented the petition of citizens of Guadalupe and Comal counties to change the county lines of Comal county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Grothaus presented the petition of citizens of DeWitt county praying for a division of said county and the creation of the new county of Ogden.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Davis presented the petition of citizens to prohibit the sale of spiritous liquors within three miles of the Lee Male and Female School, in Gonzales county.

Petition read and referred to Committee on State Affairs.

Mr. Hughes presented a petition from the citizens of Hood county asking for an election to fix the county seat.

Petition read and referred to Committee on Judiciary.

Mr. Booty presented a petition from citizens of Bosque county asking the passage of a law to require hogs to be kept in inclosures.

Petition read and referred to Committee on Agriculture and Stock Raising.

Mr. Franks, Chairman of Committee on Privileges and Elections, submitted the following report:

COMMITTEE ROOMS,
Austin, June 6, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Privileges and Elections to whom was referred the petition of D. W. Burley and others of Robinson county, protesting against the seating of S. J. Adams as representative from the eighteenth district, have examined all the testimony and duly considered the same and beg leave to submit the following report:

From evidence before your committee it appears beyond the possibility of a doubt that the election at Owensville, in Robinson county, was not conducted in the manner prescribed by law. That violence, and especially fraud and intimidation, was practiced to an alarming extent upon the defenceless and almost illiterate colored voters by the friends and supporters of said Adams, with his full knowledge and with the view of securing his election as said representative, without which he would not have been elected.

That many colored voters were compelled to vote for said Adams against their own free will.

That while many others were approaching the polls with the Republican tickets in hand they were met by friends and supporters of said Adams, who, under pretext of authority, demanded inspection of said tickets, and instead of the same being returned, others with the name of said Adams thereon were handed back, thereby deceiving the voter in his honest intentions to vote for the opposing candidate.

That tickets cast and voted for said Adams as Senator, were counted for him as Representative, against all law and authority whatever.

That said Adams, in direct violation of law and General Orders No. —, from Headquarters Fifth Military District, prohibiting the sale and use of intoxicating liquors during said election, did then and there purchase and drink, use and give the same to voters and other citizens, thereby encouraging desperate men to endanger the lives of voters, causing many to remain away from the polls.

That soldiers of the United States Army and one Zadick, acting in the capacity of deputy sheriff, all of whom were stationed at said polls for the purpose of protecting voters, did electioneer and use their influence, in an official capacity, for said Adams, and against the opposing candidate, causing the election of said Adams over one John H. Potts, by fourteen votes.

And whereas, at said election the conduct of said Adams and friends were the means of his success by fraud and intimidation;

And whereas, had the election been fair and free so that every voter could have exercised the right of suffrage as guaranteed to every American citizen, the result would have been very different; therefore, be it

Resolved, Said S. J. Adams is not entitled to the seat as Representative from said Eighteenth District.

And whereas, as the same of right should have belonged to Mr. Potts, now deceased; therefore, be it

Resolved, That said seat be declared vacant and draped in mourning, in respect to the memory of John H. Potts, deceased.

FRANKS, Chairman.

Mr. Locke moved the adoption of the report.

The yeas and nays were demanded by Messrs. Ellis, Smyth and Pierson, and stood:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—50.

Nays—Messrs. Austin, Abney, Becton, Booty, Chambers, Cole, Ellis, Gaston, Hughes, Haswell, Hawkins, Jenkins, Lacy, Lane, McLean, McKee of Fannin, Posey, Pierson, Robb, Ross, Simmons, Sinclair, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—27.

So the report was adopted, and Mr. S. J. Adams declared not entitled to his seat.

Mr. Plumley, chairman of Committee on Commerce and Manufactures, submitted the following reports:

COMMITTEE ROOM,
Austin, June 4, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 194, "To Incorporate the Bosque Bridge and Manufacturing Company, of McLennan county," have had the same under consideration and recommend that it be amended as follows:

1. That in section two "one year" be substituted for "two years."

2. That the word "toll" be inserted before the word "bridge" in the second line of section five.

3. That "three" be substituted in lieu of "five" before the word "miles" in section five.

4. That "two" be substituted in lieu of "three" before the word "years" in section eight.

With these amendments your committee instruct me to report favorably on said bill and recommend its passage.

B. RUSH PLUMLEY,
Chairman.

COMMITTEE ROOM,
Austin, Texas, June 4, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 185, "To Incorporate the Cedar Bayou Bar Company," having carefully considered said bill, have instructed me to report favorably thereon and recommend its passage.

PLUMLEY,
Chairman.

COMMITTEE ROOM,
Austin, June 4, 1870.

To Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 197, "To Incorporate the Phœnix Express and Transportation Company," have carefully examined and thoughtfully considered said bill, and instruct me to report favorably thereon and recommend its passage.

PLUMLEY, Chairman.

Reports and bills passed to orders of the day.

Mr. Barnett, chairman of Judiciary Committee, returned House bill No. 92, to be entitled "An Act to prevent unlawful intercourse between the sexes, and recommended its rejection.

Mr. Johnson moved that the bill be re-committed to Committee on Agriculture and Stock Raising.

The yeas and nays were demanded by Messrs. Dorris, Chambers and Booty, and stood:

Yeas—Messrs. Abbott of Austin, Allen H. R., Allen R, Becton, Burley, Burnett, Cotton, Cole, Cox, Dupree, Dorris, Ellis, Gaston, Gardiner, Grothaus, Harris, Haswell, Johnson, Kendall, Locke, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Schlickum, Schlotman, Simmons, Slaughter, Stockbridge, Shelburne, Tegener, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, Zoeller—42.

Nays—Messrs. Austin, Booty, Bonner, Chambers, Cooper, Crudup, Davis, George, Hughes, Hamilton, Hawkins, Lacy, Manning, McLean, Miller, Moore of Red River, Posey, Pierson, Robb, Robinson, Ross, Schutze, Sheriff, Sinclair, Stirman, Spencer, Tinsley, Van Noy, Weaver of Hunt, York, Youngkin, Zapp—32.

So the House refused to recommit the bill, two-thirds of the members not having voted in favor of the same.

Bill passed to orders of the day.

Mr. Abney, Chairman of Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,
Austin, June 6, 1870

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred "An Act for the relief of David M. Callahan," have had the same under consideration, and I am instructed to report the bill back and recommend its passage.

Respectfully,

ABNEY, Chairman.

Report and bill passed to orders of the day.

Mr. Robinson offered the following resolution:

WHEREAS, It is currently reported that Hon. A. F. Leonard, sitting member from the 26th District, is meligible to a seat in this body, on account of disqualification under the 14th amendment to the Constitution of the United States,

Resolved, That the Committee on Privileges and Elections be and are hereby authorized and required to investigate the same and make report to this House.

Resolution read first and second times.

Mr. Shelburne moved that the resolution be rejected.

Withdrawn by leave of the House.

On motion of Mr. McLean, the resolution was adopted.

Mr. Franks offered the following resolution:

WHEREAS, It is currently reported by the democratic members of this body that F. G. Franks, now holding a seat as representative from 13th district, is ineligible, therefore be it

Resolved, That the Committee on Privileges and Elections be and is hereby authorized to inquire in the same and make report to this House.

Resolution read first and second times.

Messrs. Abney and Lane were excused from attendance on account of sickness.

The hour having arrived for the consideration of the special order of the day, set for 11 o'clock, A. M., which was House Bill No. 80, to be entitled "An Act to establish a State police and provide for the regulation and government of the same," the House, on motion of Mr. Franks, resolved itself into Committee of the Whole for the consideration of the bill.

[Mr. Slaughter in the chair.]

The committee rose: the chairman reported that the committee had had under consideration and recommended the passage of the

bill without amendments, and asked that the committee be discharged from further consideration of the subject.

Upon the question of adopting the report and discharging the committee, the yeas and nays were demanded by Messrs. Ellis, Austin and Abbott of Hill, and stood:

Yeas—Messrs. Abbott of Austin, Allen, H. R., Allen, Richard, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore, of Red River, Plumley, Prissick, Robinson, Schlicum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams, of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—54.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Chambers, Cole, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Leonard, McLean, McKee of Fannin, Miller, Pierson, Robb, Ross, Simmons, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—24.

So the report was adopted and the committee discharged.

The bill was ordered to be engrossed and read the third time.

Mr. Franks moved that the rules be suspended, that the bill be considered engrossed and put upon its final passage. The yeas and nays were demanded by Messrs. Abott of Hill, Hawkins and Austin, and stood:

Yeas—Messrs. Abbott of Austin, Allen H. R., Allen R., Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchell, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, Yorke, Youngkin, Zapp, Zoeller.—54.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Chambers, Cole, Ellis, Hawkins, Kyle, Lacy, Leonard, McLean, McKee of Fannin, Miller, Pierson, Robb, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—23.

So the rules were suspended.

On motion of Mr. Butler, Mr. Jenkins was excused from attendance for four days from to-day.

House bill No. 80, to be entitled "An Act to Establish a State Police, and Provide for the Regulation and Government of the Same," was read third time, and passed by the following vote, the

yeas and nays being demanded by Messrs. Lacy, Leonard and Chambers:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Johnson, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—54.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Chambers, Cole, Ellis, Hawkins, Kyle, Lacy, Leonard, McLean, McKee of Fannin, Miller, Pierson, Robb, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson.—23.

Mr. Slaughter moved that the House adjourn until eight and a half o'clock P. M. Lost.

On motion of Mr. Abbott of Hill, the House adjourned until ten o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 7, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Absentees--Messrs. Abbott of Hill, and Camp.

On motion of Mr. Moore of Red River, the reading of the journal for yesterday was dispensed with.

Messrs. Camp and Abbott of Hill were excused from attendance on account of sickness.

By leave of the House, Mr. Sinclair was permitted to change his vote from the negative to the affirmative, on the resolution adopted yesterday, declaring S. J. Adams not entitled to his seat.

By leave of the House, Mr. Hughes was permitted to record his vote in the negative on the passage of the Police bill, which passed the House yesterday.

Mr. Robinson, as a matter of privilege, offered the following resolution:

WHEREAS, It is currently reported and believed that Hon. F. Kyle, sitting member from the Twenty-eighth District, is ineligible to a seat in this House under the Fourteenth Amendment to the Constitution of the United States.

Resolved, That the Committee on Privileges and Elections be instructed to inquire into and report on the same.

Resolution read first and second times, and on motion of Mr. Locke it was adopted.

Mr. Bonner presented the petition of E. Nips praying for permission to trade without taxation.

Petition read and referred to Committee on Finance.

Mr. Schlotman presented a petition signed by members of the House, asking that a certificate be issued to Henry L. Whitney, late Postmaster of the House, for ten days' service previous to April 26. 1870.

On motion of Mr. McLean the petition was rejected.

On motion of Mr. Grothaus, Mr. Moore, of Red River, was excused from attendance for the remainder of the day on account of sickness.

Mr. Sinclair, Chairman of Committee on Education, submitted the following report:

COMMITTEE ROOMS,
AUSTIN, May 6, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Education, to whom was referred House

bill No. 164, incorporating the "Society Los Indisolubles," of the city of San Antonio, have had the same under consideration, and herewith report said bill back without amendment, and recommend its passage.

Respectfully,
WM. H. SINCLAIR,
Chairman.

Report and bill passed to orders of the day.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following minority report of Mr. Harn, protesting against the creation of the county of Peebles from a portion of Grimes county.

COMMITTEE ROOM,
Austin, June 6, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The undersigned, a member of your Committee on Counties and County Boundaries, dissenting from the conclusions to which a majority of the committee arrived, would respectfully present the following minority report:

The undersigned would state, the county of Grimes contains nine hundred and two (902) square miles; that the bill proposing to create the county of Peebles very largely intrenches on the county of Grimes, and if passed, will reduce Grimes county to about seven hundred (700) square miles, and leave the town of Anderson, the county site, far from the geographical centre of the county. The policy adopted in the constitution of the Republic of Texas, in 1836, was not to permit new counties to be created, or old ones reduced to a less area than nine hundred (900) square miles, unless by a vote of two-thirds of the Legislature. The same provision is found in the new constitution.

It appears from the statement made by the committee that five or six hundred persons have petitioned for the creation and organization of a new county; yet Grimes county has a voting population of not less than three thousand registered voters, all of whom, except those memorializing your honorable body, are opposed to the dismemberment of Grimes county. It would be strange logic, as well as most unjust to the great body of the people of the county of Grimes, to grant the prayer of the petitioners.

Therefore, in the name of the people of that county, I protest against the passage of the bill reported by the committee.

There might be some pretext for the passage of the bill if the people of this county had been consulted as to the proposed new county. It is believed that because the Brazos river overflows its

banks every year or twice a year, it affords no good reason why a new county should be created; if so, then the counties lying on both sides of the Colorado should be divided. The undersigned agrees with the majority of the committee, that counties are for the convenience of the people, and five out of six of the people of Grimes county are satisfied with the ancient boundaries, and ask that the same may not be disturbed.

Respectfully submitted,

C. D. HARN.

Report accepted and filed with the majority report.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, June 7, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills, to whom was referred House Bills Nos. 80 and 178, beg leave to report the same back as correctly engrossed.

Respectfully,
C. J. STOCKBRIDGE,
Chairman of Committee on Engrossed Bills.

Report accepted.

Mr. Plumley introduced a bill to be entitled "An Act to incorporate the Caranchua Bridge and Road Company."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr Harn introduced a bill to be entitled "An Act to incorporate the Texas Masonic Mutual Life Insurance Company."

Bill read first time and referred to Committee on Judiciary.

Mr. Gardiner introduced a bill to be entitled "An Act to incorporate the Bryan Bridge Company, and allow them certain privileges."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Also a bill to be entitled "An Act to amend 'An Act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5, 1858.'"

Bill read first time and referred to Committee on Judiciary.

Also a bill to be entitled "An Act to validate the acts of presiding justices of counties in sending persons to the State Lunatic Asylum since the adoption of the constitution now in force."

Bill read first time and referred to Committee on Judiciary.

Also a bill to be entitled "An Act to regulate charges of passenger's fare over the railroads in this State."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Dorris introduced a bill to be entitled "An Act to suppress crime and insure the taking of testimony."

Bill read first time and referred to Committee on Judiciary.

Mr. Tegener introduced a bill to be entitled "An Act for the protection of the growth of pecan timber west of the Colorado river."

Bill read first time and referred to Committee on Agriculture and Stock-raising.

Mr. Posey introduced a bill to be entitled "An Act to provide for the transcribing of the law records of San Saba county."

Bill read first time and referred to Committee on Public Lands and Land Office.

Also a bill to be entitled "An Act to incorporate and grant a new charter to the town of Georgetown, and repeal an act approved September 26, 1866, entitled 'An Act to incorporate the town of Georgetown, in Williamson county, Texas.'"

Bill read first time and referred to Committee on Town and City Corporations.

Also, a bill to be entitled "An Act to legalize certain acts of the late provisional judge of Williamson county."

Bill read first time and referred to Committee on Judiciary.

Mr. Ross introduced a bill to be entitled "An Act to enable the Police Court of Johnson county to levy a special tax."

Bill read first time and referred to Committee on Finance.

Mr. Burnett introduced a bill to be entitled "An Act to incorporate the Trinity River Navigation Company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Slaughter introduced a bill to be entitled "An Act to authorize the Governor to appoint one or more supervising agents of the State treasury."

Bill read first time and referred to Committee to Examine Comptroller's and Treasurer's Offices.

Mr. Slaughter offered a joint resolution relative to the appointment of an agent by the Governor, for the purpose of procuring the history of the Spanish settlement and missions in Texas, prior to the year 1793.

By leave the joint resolution was withdrawn.

Mr. Dorris offered the following resolution:

Resolved by the Legislature of the State of Texas, That the

sum of two hundred dollars be and is hereby appropriated out of any money in the treasury of this State, not otherwise appropriated by law, or so much thereof as shall be sufficient to pay the funeral and burial expenses of the Hon. W. T. Wilkinson, deceased, a member of this Legislature.

Second. That the Speaker appoint a committee of three whose duty shall be to ascertain the amount necessary to cover said expenses, and such amount so reported by said committee shall be certified by the Speaker of this House to the Comptroller, whose duty it shall be to draw upon the treasury for such sum as may be so reported, and the receipt of the Chairman of said committee shall be a legal voucher in the hands of the Comptroller, in the settlement of his accounts.

Resolution read first and second times.

On motion of Mr. Hughes the name of M. A. Elliott was inserted after the name of W. T. Wilkinson, in the resolution.

On motion of Mr. Sinclair, the resolution was referred to Committee on Finance.

A message was received from the Senate announcing that that body had passed Senate bills Nos. 3, 5, 14, 69 and 161, and asked the concurrence of the House in the same.

On motion of Mr. Burnett the rules were suspended to put Senate bills just received on their first reading.

Senate bill No. 3, to be entitled "An Act authorizing Thomas M. Harwood, W. G. Belding and Charles Mason, of Gonzales county, to construct and build a bridge across the Guadalupe river, near the town of Gonzales," read first time and referred to Committee on Roads, Bridges and Ferries.

Senate bill No. 5, to be entitled "An Act authorizing F. A. Vaughn, William Saffold, and George P. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river, near the town of Seguin," read first time and referred to Committee on Roads, Bridges and Ferries.

Senate Bill No. 14, to be entitled "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," read first time and referred to Committee on Roads, Bridges and Ferries.

Senate Bill No. 69, to be entitled "An Act to incorporate the Kaufman County Bridge Company."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Senate Bill No. 161, to be entitled "An Act to create and provide for the organization of the county of Rains."

Read first time and referred to Committee on Counties and County Boundaries.

Mr. Prissick introduced a bill to be entitled "An Act to regulate contracts made with foreign Agricultural laborers."

Bill read first time and referred to Committee on Agriculture and Stock Raising."

Mr. Johnson introduced a bill to be entitled "An Act for the repairs and improvement of certain public buildings."

Bill read first time and referred to Committee on Finance.

Mr. Bonner introduced a bill to be entitled "An Act to incorporate the Neches and Angelina River Navigation Company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Schutze introduced a bill to be entitled "An Act to provide for the collection of back taxes."

Bill read first time and referred to Committee on Finance.

On motion of Mr. Cooper, the rules were suspended to allow the Chairman of Committee on Counties and County Boundaries to submit the following report:

Austin, June 7, 1870.

Hon. IRA H. EVANS, Speaker House of Representatives:

SIR: Your Committee on Counties and County Boundaries to whom was referred House Bill No. —. permanently establishing the county site of Hopkins county at the town of Sulphur Springs, have had the same under consideration, and find that Tarrant, the present county seat, is almost deserted, containing only one hundred and twenty-one white inhabitants and twenty-two colored, twenty-two families and nineteen tax payers on property in said town. The public buildings are in a dilapidated condition and much needing repairs; great scarcity of water in said place, only cistern water. On the other hand we find that the town of Sulphur Springs contains upwards of three thousand inhabitants, is about an equal distance from the geographical center of the said county with the said town of Tarrant, and the two places are four miles and a half apart.

The town of Sulphur Springs is an accessible place, public roads leading to and from the same, good schools, church houses, an abundance of wood and water.

Your committee believes that the location of the county site of Hopkins county at Sulphur Springs would be in accordance with the wishes of a large majority of the citizens of said Hopkins county, and would be conferring the greatest good upon the greatest number. Therefore, your committee returns said bill and ask that it be passed.

COOPER,
Chairman.

Report and bill passed to orders of the day.

Mr. Sinclair introduced a bill to be entitled "An Act to incorporate the Galveston Savings Bank and Trust Company."

Bill read first time and referred to Committee on Commerce and Manufactures.

Mr. Plumley introduced a bill to be entitled "An Act to incorporate the French Benevolent and Mutual Assistance Society of Galveston."

Bill read first time and referred to Committee on Commerce and Manufactures.

Mr. Tinsley introduced a bill to be entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize a branch of said road."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Johnson introduced a bill to be entitled "An Act to provide for the appointment of a janitor for the capitol grounds and the buildings thereon."

Bill read first time and referred to Committee on Public Buildings and Grounds.

Mr. Dupree offered the following resolution:

WHEREAS, Mr. W. G. Pierson, representative from the sixth district, occupies his seat upon this floor in violation of the constitution of this State, he not having resided in the county he represents the prescribed length of time;

Resolved, That the Committee on Privileges and Elections be instructed to investigate his right to said seat, with power to send for persons and papers, and report as early as practicable.

Resolution read first and second times and laid over under the rules, the hour having arrived for the consideration of the special order of the day.

The business first in order under the rules was a bill to be entitled "An Act to provide for districting the State of Texas into judicial districts," which was, upon motion of Mr. Burnett, recommitted to the Judiciary Committee.

House bill No. 115, to be entitled "An Act to provide for a system of registration," being next in order, it was, together with the substitute, which was ordered to be printed, on motion of Mr. Burnett made the special order for Thursday next at 11 o'clock A. M.

House bill No. 30, to be entitled "An Act to authorize the clerks of the supreme and district courts and the justices of the peace to issue executions for all costs created by parties in any suit or suits in said courts, and to provide for the collection of the same," was read third time.

Mr. Sinclair offered the following amendment:

Amend section five by adding, "Nor shall any district clerk be required, from and after the passage of this act, to deliver any transcript on appeal to the Supreme Court until the costs for making the same shall have been paid by the party or parties demanding the same."

Mr. Cooper offered the following amendment to the amendment: after the word "transcript" insert the words "of a civil case."

On motion of Mr. Crudup, the amendment to the amendment was adopted.

The question then recurred upon the adoption of the amendment as amended, upon which the yeas and nays were demanded by Messrs. Sinclair, Morrison and Chambers, and resulted thus:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Becton, Burley, Chambers, Cooper, Cotton, Crudup, Cole, Ellis, Franks, Gardiner, Grothaus, George, Hamilton, Hawkins, Johnson, Lane, Leonard, Locke, Lyons, Manning, Morrison, McKee of Guadalupe, Mitchel, Miller, Posey, Plumley, Prissick, Robinson, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Van Noy, Weaver of Johnson, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—48.

Nays—Messrs. Booty, Burnett, Bonner, Cox, Dupree, Davis, Dorris, Hughes, Kyle, Kendall, Lacy, Moore of Harrison, McLean, McKee of Fannin, Mullins, Medlock, Ross, Schlickum, Shelburne, Spencer, Weaver of Hunt, Williams of Walker, York—23.

So the amendment as amended was adopted.

A message was received from the Senate returning House Bill No. 178, to be entitled "An Act authorizing quarantine on the coast of Texas," with amendments thereto, and asked the concurrence of the House in the same.

Mr. Burnett offered the following amendment to House Bill No. 30: amend section 5, line 4, between the words "court" and "the," by inserting the words "in any civil case."

On motion of Mr. Morrison, the amendment was adopted.

Mr. Hughes moved to strike out section 3.

On motion of Mr. Slaughter, the motion of Mr. Hughes was laid on the table.

Mr. Burnett offered the following additional section:

Sec. 9. That this act take effect and be in force from and after its passage.

On motion of Mr. Sinclair, the additional section was made a part of the bill.

Mr. Sheriff offered the following as an additional section to be known as section 9; section 9 as adopted to be known as section 10:

Sec. 9. That the clerks of the Supreme Court and District Courts,

and justices of the peace, shall issue execution for fees and costs on previous adjudicated cases now remaining due and unpaid in their said courts, and the clerk of the District Court for costs and fees due in the former county, probate and police courts, on application of any former officer of such courts to whom such fees and costs are due.

On motion of Mr. Crudup, the proposed section was adopted as section 9, and section 9 as section 10.

The question then being upon the final passage of the bill, the yeas and nays were demanded by Messrs. Hughes, Lacy and Robinson, and stood:

Yeas—Messrs. R. Allen, Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Cox, Dupree, Davis, Franks, Gardiner, Grothaus, George, Harn, Hawkins, Johnson, Kendall, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Posey, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—59.

Nays—Messrs. Austin, Abbott of Austin, Booty, Dorris, Hughes, Kyle, Lacy, McLean, McKee of Fannin, Ross, Spencer, York—12.

So the bill passed, and its title was agreed to.

On motion of Mr. Sinclair, the bill was ordered to be re-engrossed.

On motion of Mr. Hughes, Mr. Robb was excused on account of sickness.

On motion of Mr. Plumley, the rules were suspended to take up House Bill No. 178, to be entitled "An Act authorizing quarantine on the coast of Texas." which was returned from the Senate with amendments.

On motion of Mr. Plumley, the House concurred in the following amendment to section 8 by adding: "Provided, that nothing herein contained shall prevent any town or city in the State from establishing any quarantine which they may think necessary for the preservation of the health of said town or city, not inapplicable to the provisions of this act."

On motion of Mr. Plumley, the House concurred in the following amendment to the caption, by adding: "and elsewhere within the State."

On motion of Mr. Chambers, the bill was ordered to be engrossed.

On motion of Mr. Grothaus, the House adjourned until 10 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 8, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absent—Messrs. Abney, Abbott of Hill, and Manning.

On motion of Mr. Franks the reading of the journal of yesterday was dispensed with.

Mr. Hughes presented a petition from citizens of Hood county, asking that Jesse and Jacob Nutt, blind men, be allowed to trade without license.

Petition read and referred to Committee on Finance.

Mr. Leonard presented a petition from the trustees of the Red Sulphur Springs College, asking for a charter.

Petition read and referred to Committee on Education.

Messrs. Abney, Abbott of Hill, and Manning were excused from attendance on account of sickness.

Mr. Butler gave notice that he should offer an amendment to rule No. 23 of the House.

Mr. Burnett, chairman of Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, June 8, 1870.

To HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: The Judiciary Committee having duly considered the joint resolution offered by Hon. Mr. York, in relation to the appointment by the Governor of a commission to revise the public laws of this State, &c., and the bill for the same purpose introduced by Mr. Burnett, have the honor to report herewith a substitute for the same, to-wit: A bill to be entitled "An Act to provide for the revision of the public and general laws of the State of Texas," and respectfully recommend its passage.

Very respectfully,

BURNETT,
Chairman.

On motion of Mr. Burnett the rules were suspended for the immediate consideration of the bill and substitute offered by the Judiciary Committee.

House bill No. 113, to be entitled "An Act to provide for the revision of the public and general laws of the State of Texas," read second time.

Substitute reported by Judiciary Committee read.

On motion of Mr. Slaughter the House resolved itself into Committee of the Whole for the consideration of House bill No. 113 and the substitute offered by Judiciary Committee.

[Mr. Slaughter in the chair.]

Committee rose; the chairman reported that the committee had had under consideration House bill No. 113 and the substitute, and recommended that the substitute be adopted in place of the bill and that the committee be discharged from further consideration of the subject.

On motion of Mr. Cooper the report was received and the committee discharged.

Mr. Hughes offered the following amendment:

Amend section first by inserting after the word "empowered," the words "by and with the advice and consent of the Senate."

On motion of Mr. Franks the amendment was laid on the table.

The substitute to House Bill No. 113 was adopted.

On motion of Mr. Crudup the bill was ordered to be engrossed and read the third time.

On motion of Mr. Crudup the rules were further suspended to put the bill on its final passage.

Bill No. 113, to be entitled "An Act to provide for the revision of the public and general laws of the State of Texas," read third time and passed by the following vote:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, R. Allen, Becton, Burley, Booty, Burnett, Bonner, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hughes, Hamilton, Haswell, Hawkins, Johnson, Kyle, Kendall, Lacy, Leonard, Locke, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Posey, Pierson, Plumley, Prissick, Ross, Schliekum, Schlotman, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—70.

Nays—Messrs. Chambers, McLean, McKee of Fannin, Miller, Robb—5.

On motion of Mr. Moore, of Red River, Joint Resolution No. 16 was laid on the table.

Mr. Young, Chairman of the Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM, Austin, June 7, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred a memorial from the citizens of the city of Galveston protesting against the granting of a charter to the Galveston Wharf Company to build a railroad from their wharf to the depot, beg leave to make the following report:

We have considered the nature of the protest, and do not concur in it; but, on the other hand, recommend the passage of the bill, for the following reasons; The protestants proceed upon the idea that a monopoly would be created by the bill which would work injuriously to their interests. This we do not think would be the case; whilst, on the contrary, we believe the public would be greatly benefitted by the construction of the proposed road, and we, as legislators, should prefer to promote the interests of the greatest number of those concerned. The wants of the public require multiplied facilities for the transportation of freight, in order to break down the very monopolies of which the protestants complain. The protestants themselves in the matter are the real monopolists, and their opposition to the road proceeds upon the assumption that they have a right to perpetuate their monopoly. In this we cannot agree with them.

Respectfully submitted,

H. W. YOUNG,
Chairman of Committee.

Report and protest filed with House bill No. 70, to come up in their regular order.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, June 8, 1870.

Hon. IRA H. EVANS.
Speaker House Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 161, to create and provide for the organization of the county of Rains, have had the same under consideration and after fully investigating the subject have no hesitancy in saying the bill is a meritorious one, and herewith return the same and recommend that it pass.

COOPER, Chairman.

On motion of Mr. Cooper the rules were suspended to put Senate bill No. 161, to be entitled "An Act to create and provide for the organization of the county of Rains," upon its second reading.

Senate bill No. 161 read second time.

On motion of Mr. Burley it was ordered to be engrossed and read the third time.

On motion of Mr. Slaughter the rules were further suspended to put the bill on its final passage.

Senate bill No. 161, to be entitled "An Act to create and provide for the organization of the county of Rains," read third time and passed by a vote of two-thirds of those present, and title agreed to.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM, Austin, June 8, 1870.

Hon. IRA H. EVANS,

Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined and compared House bill No. 178, and find the same to be correctly re-engrossed.

Very respectfully,

C. J. STOCKBRIDGE,

Chairman of Committee.

Report accepted.

Mr. Plumley introduced a bill to be entitled "An Act to promote the introduction of immigration from Europe into the State of Texas by the Mediterranean and Oriental Steam Navigation Company."

Bill read first time and referred to Committee on Immigration.

Mr. Simmons introduced a bill to be entitled "An Act to incorporate the Jefferson and Mexican Gulf Railroad Company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Crudup introduced a bill to be entitled "An Act to extend and define the limits of the city of Waco, and for other purposes."

Bill read first time and referred to Committee on Town and City Corporations.

Mr. Locke introduced a bill to be entitled "An Act to prevent the introduction and spread of scab among sheep."

Bill read first time and referred to Committee on Agriculture and Stock Raising.

Mr Shelburne introduced a bill to be entitled "An Act to allow James Farris to build a toll bridge across the east fork of the Trinity river, in Collin county."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Zoeller introduced a bill to be entitled "An Act to authorize the police court of Kendall county to levy and collect a special tax."

Bill read first time and referred to Committee on Finance.

Mr. Camp offered the following resolution:

WHEREAS, It is the opinion of this House that the eligibility of members was determined by General Reynolds, under the acts of Congress, and prior to the ratification of the fourteenth and fifteenth amendments, and that it is now impolitic and unwise, and a useless waste of time, to entertain propositions to unseat members; therefore, be it.

Resolved, That this House will not in future entertain such propositions, but proceed with important business.

Resolution read first and second times.

On motion of Mr. Slaughter the resolution was rejected.

Mr. York introduced a bill to be entitled "An Act supplementary to and amendatory of the several acts of the Legislature of the State of Texas relating to the General Land Office."

Bill read first time and referred to Committee on Public Lands and Land Office.

Mr. Grothaus introduced a bill to be entitled "An Act to incorporate the Indianola Hook and Ladder Company No. 1, of the city of Indianola."

Bill read first time and referred to Judiciary Committee.

Also a bill to be entitled "An Act to incorporate the Casino Society of Indianola."

Bill read first time and referred to Committee on State Affairs.

The hour having arrived for the consideration of the special order of the day, which was House Bill No. 201, to be entitled "An Act to provide for the appointment by the Governor of certain officers, to fill vacancies," the bill was read second time.

Mr. McLean offered the following amendment to section one, line four:

"Or until otherwise provided by law."

Mr. Morrison moved to lay the amendment on the table.

Upon which motion the yeas and nays were demanded by Messrs. McLean, Hughes and Lacy, and stood:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burnett, Bonner, Cooper, Cotton, Cole, Dupree, Davis, Dorris, Gardiner, Hamilton, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Miller, Plumley, Prissick, Schlickum, Sheriff, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Austin, H. R. Allen, Becton, Butler, Booty, Chambers, Crudup, Cox, Ellis, Franks, Grothaus, George, Hughes, Harn, Haswell, Hawkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, McKee of Guadalupe, Moore of Red

River, Posey, Pierson, Robb, Robinson, Ross, Schlotman, Simmons, Sinclair, Smyth, Stirman, Shelburne, Van Noy, Weaver of Hunt, Young, York—40.

So the House refused to lay the amendment on the table.

A message was received from the Senate announcing that that body had passed substitute for Senate Bill No. 155, to be entitled "An Act to provide for districting the State of Texas into judicial districts"; Senate Bill No. 101, to be entitled "An Act for the relief of J. H. Hallonquist," and asked the concurrence of the House in the same.

Also, that the Senate had concurred in House amendments to Senate Bill No. 74, to be entitled "An Act making an appropriation to defray the printing and contingent expenses of the 12th Legislature," and that the Senate had passed House Bill No. 88, to be entitled "An Act to provide for the protection of the frontier of the State of Texas."

Enrolled Senate Bill No. 74 was presented to the Speaker and signed by him.

The question recurring on the amendment proposed by Mr. McLean to House Bill No. 201, it was lost.

Mr. Burnett offered the following proviso to section 2:

Provided, that the offices named in this section shall not be deemed lucrative, and the incumbents thereof may hold any other county office.

Mr. Miller moved to lay the proviso on the table. Lost.

On motion of Mr. Grothaus, the amendment was adopted.

Mr. Plumley offered the following amendment to section 2:

In line 3, after the word "inspectors," insert the words "and where required, public weighers of cotton."

On motion of Mr. Sinclair, the amendment was adopted.

Mr. Plumley offered the following amendment to section 4: in line 3, after the word "for" insert the words "each of."

On motion of Mr. Morris, the amendment was adopted.

Mr. Burnett offered the following amendment to section four: In line seven, after the word "act," insert the words "and provided for by law."

Mr. McLean offered the following amendment to the amendment: add, "including the office of Recorder."

On motion of Mr. Butler the amendment to the amendment was adopted.

The question recurring upon the adoption of the amendment as amended, it was adopted.

Mr. Hughes moved that the House resolve itself into Committee of the Whole for the consideration of the bill. Lost.

Mr. Grothaus moved that the bill be engrossed, and read third time.

Mr. Schutze moved that the House adjourn until ten o'clock to-morrow. Lost.

Mr. McLean moved that the bill be recommitted to the Judiciary Committee. Lost.

Mr. Butler offered the following amendment:

Amend by inserting before the word "for," in the third line, the words "and a city assessor and collector of taxes."

By leave of the House the amendment was withdrawn.

The question then recurring on the motion of Mr. Grothaus to have House bill No. 201, to be entitled "An Act to Provide for the Appointment by the Governor of Certain Officers to Fill Vacancies," engrossed and read third time, the yeas and nays were demanded by Messrs. Hughes, McLean and Lacy, and stood:

Yeas—Messrs. R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Cox, Dupree, Davis, Dorris, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson Kendall, Locke, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—49.

Nays—Messrs. Austin, Abbott of Austin, Becton, Booty, Chambers, Cole, Ellis, Gaston, Hughes, Hawkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Posey, Pierson, Robb, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—27.

So the bill was ordered to be engrossed and read the third time.

By request of Mr. Williams, of Colorado, the use of the House was granted to the colored people for Saturday evening, the eleventh instant.

By leave of the House, Mr. Slaughter, Chairman of the Committee on Finance, was permitted to withdraw a report made relative to Mr. McDaniel, deceased.

At 1-30 P. M.

On motion of Mr. Sinclair, the House adjourned until ten o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 9, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absent—Mr. Tinsley.

On motion of Mr. Chambers, the reading of the journal of yesterday was dispensed with.

The Speaker laid before the House the petition of officers of Montgomery county asking donation of State taxes for the years 1870 and 1871.

Petition read and referred to Committee on Finance.

Mr. McKee of Fannin presented the petition of citizens asking the prohibition of the sale of ardent spirits in the town of Ladonia, Fannin county.

Petition read and referred to Committee on Town and City Corporations.

Mr. Plumley, Chairman of Committee on Commerce and Manufactures, submitted the following report:

COMMITTEE ROOM,
Austin, June 9, 1870.

HON. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Commerce and Manufactures to whom was referred House Bill No. 222, to incorporate the "French Benevolent and Mutual Assistance Society," have considered the same, and respectfully recommend its passage.

PLUMLEY,
Chairman.

Report and bill passed to orders of the day.

Mr. Franks, Chairman of Committee on Privileges and Elections, submitted the following report and resolution:

COMMITTEE ROOM,
AUSTIN, June 8, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Elections and Privileges, to whom was referred a resolution inquiring nto the case of the Honorable James P. Butler, whether he held any office besides that of a member of the State Legislature, beg leave to submit the following facts:

Your committee find, upon investigation, that the Honorable J. P. Butler had been nominated and commissioned by the President of the United States as Collector of Customs for the port of Brazos

de Santiago, but immediately upon receipt of his commission he forwarded to the Secretary of the Treasury of the United States a letter dated May 20, 1870 (copy of which is herewith annexed), declining to accept the office.

Your committee further find that the Honorable J. P. Butler has never been inducted into the office as Collector of Customs, nor has he ever received a cent as salary from the government of the United States as such officer.

Your committee are clearly of opinion that the Honorable J. P. Butler is constitutionally entitled to a seat in this honorable body, and while they think it unnecessary to report a resolution declaring him as such, but for the purpose of doing away with all further annoyance to him in this matter, we submit the following resolution and respectfully ask its adoption.

Resolved, That the Honorable J. P. Butler is entitled to a seat in this honorable body, and the Comptroller of this State is hereby required to issue his warrant upon the treasury for the payment of the per diem and mileage due the Honorable J. P. Butler.

F. G. FRANKS,
Chairman.

Austin, May 20, 1870.

SIR: I have the honor to inform you that I decline to accept the office of Collector of Customs of the District of Brazos de Santiago of this State. Please consider the office vacant in as far as I am concerned.

I am, very respectfully,
Your obedient servant,
J. P. BUTLER.

To Hon. GEO. S. BOUTWELL,
Secretary of Treasury of United States,
Washington, D. C.

Resolution read first and second times.

On motion of Mr. Slaughter, all of the resolution was stricken out after the word "body."

On motion of Mr. Camp, the resolution as amended was adopted.

Mr. Tinsley was excused from attendance on account of sickness.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, June 9, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: I am instructed by your Committee on Engrossed bills, to

whom was referred House bills Nos. 30, 113 and 201, to report the same back as correctly engrossed.

Respectfully,
C. J. STOCKBRIDGE,
Chairman of Committee.

Report received.

Mr. Johnson, Chairman of Committee on Public Buildings and Grounds, submitted the following report:

COMMITTEE ROOM,
Austin, June 8, 1870.

To Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Public Buildings and Grounds, to whom was referred House Bills Nos. 163 and 224, and petition of citizens of Hamilton county, after having carefully considered the same, herewith return them and submit the following as the result of their deliberations:

House Bill No. 163, providing for the building of courthouses and jails, fully meets the wants of the State in this particular, and we respectfully urge its passage.

House Bill No. 224, providing for the appointment of janitor for the Capitol buildings and grounds, provides for a want that the daily evidences of neglect in care of the grounds and the defacing and destroying of portions of the buildings much call for, and we respectfully recommend its passage.

Petition of citizens of Hamilton county, praying for assistance to build a courthouse, we find impracticable to grant; moreover, House Bill No. 163 furnishes, in a measure, the relief asked for, and do, therefore, recommend its rejection.

JOHNSON,
Chairman of Committee.

Reports and bills passed to orders of the day.

Mr. Posey, one of the Committee on Public Buildings and Grounds, asked time to prepare a minority report in regard to the petition of citizens of Hamilton county. Granted.

Mr. Schutze, Chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, June 7, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred "An Act to incorporate Herman University," beg leave to report

the same and recommend that it be referred to the Committee on Education.

Respectfully,

J. SCHUTZE,
Chairman.

The bill was re-committed to Committee on Education.

Mr. Butler offered the following amendment to rule No. 28:

Add the following words, "nor shall a bill be amended on its third reading unless by consent of two-thirds of those present; provided, that this shall not apply to bills committed on third reading and reported to the House with amendments."

On motion of Mr. Sinclair the amendment was adopted.

Mr. Slaughter offered the following resolution:

WHEREAS, The attention of members of this House has been directed to the official conduct of the Hon. A. Bledsoe, Comptroller of the Treasury, and it is alleged that there exists grounds of impeachment against that officer, therefore,

Resolved, That a committee of five be appointed to inquire into the official conduct of A. Bledsoe, the Comptroller of this State, and to report their opinion whether the said A. Bledsoe hath so acted in his official capacity as to require the interposition of the constitutional power of this House.

Mr. Johnson moved the adoption of the resolution.

Mr. Moore of Red River, moved that the resolution be referred to Committee to Examine Comptroller's and Treasurer's Offices.

Lost.

A message was received from the Senate requesting the signature of the Speaker to enrolled Senate bill No. 161, entitled "An Act to create and provide for the organization of the county of Rains."

The Speaker signed the bill.

The question recurring on the motion of Mr. Johnson, the resolution was adopted.

The Speaker appointed Messrs. Slaughter, Burnett, Williams of Colorado, Posey and Chambers such committee.

Mr. Booty introduced a bill to be entitled "An Act to authorize district clerks to take the acknowledgments of all instruments of writing to be recorded."

Bill read first time and referred to Judiciary Committee.

Mr. Burnett offered the following resolution:

Resolved, That the Committee on State Affairs are hereby instructed to visit the several public asylums at or near the capital, examine into their condition, wants, &c., and report by bill, resolution or otherwise.

Resolution read first and second times, and on motion of Mr. Sinclair, it was adopted.

Mr. Harn offered the following resolution:

Resolved, That Hon. J. D. George be allowed per diem from the date of having filed his petition contesting the seat of Hon. A. C. Warren.

Resolution read first and second times.

Mr. Burnett moved to amend the resolution by inserting after the word "J. D. George" the words "and all other successful contestants."

Amendment adopted.

The question recurring on the adoption of the resolution as amended, it was adopted.

Mr. Sinclair introduced a bill to be entitled "An Act to establish the Galveston Medical College, and to provide a hospital for poor and indigent sick of the State of Texas."

Bill read first time and referred to Committee on Education.

Mr. Johnson introduced a bill to be entitled "An Act regulating days' work of State employes and public officers."

Bill read first time and referred to Committee on State Affairs.

Mr. Cooper moved a suspension of the rules to take up House Bill No. 140, to be entitled "An Act to provide for the distribution of the money now in the State Treasury which is due the several counties."

Rules suspended, bill read third time, passed, and title agreed to.

The hour having arrived for the consideration of special order of the day, which was House bill No. 115, to be entitled "An Act to establish a system of registration," and substitute for the same, to be entitled "An Act to provide for the registration of voters; the mode and manner of conducting elections; making returns; and for the protection of the purity of the ballot-box."

On motion of Mr. Plumley the House resolved itself it into Committee of the Whole for consideration of the bill and substitute:

[Mr. Sinclair in the chair.]

12:15 P. M.

Committee rose; the chairman reported progress and asked leave for the committee to sit again to-morrow at 11 o'clock A. M.

On motion of Mr. Cooper the report was received and leave granted for the committee to sit again to-morrow at 11 A. M.

Mr. Robinson, chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOMS,
Austin, June 9, 1870.

HON. IRA H. EVANS,
Speaker of House Representatives:

SIR: Your Committee on Enrolled Bills instruct me to report that they have carefully examined House bill No. 178, and find it to be correctly enrolled.

ROBINSON,
Chairman.

Report accepted and enrolled bill signed by the Speaker.

Mr. Moore, of Red River, moved that the House adjourn until ten o'clock A. M. to-morrow.

Upon which motion the yeas and nays were demanded by Messrs. Sinclair, Zapp and Chambers. and stood:

Yeas—Messrs. Austin, Abbott of Austin, Allen R., Abbott of Hill, Burley, Booty, Bonner, Crudup, Cole, Cox, Dupree, Harn, Hawkins, Kyle, Kendall, Lane, Leonard, Locke, Lyons, McLean, Mullins, Moore of Red River, Posey, Pierson, Robb, Ross, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Youngkin, Zoeller—38.

Nays—Messrs. Becton, Burnett, Chambers, Cooper, Cotton, Camp, Davis, Dorris, Ellis, Gardiner, Grothaus, George, Hughes, Hamilton, Morrison, Moore of Harrison, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Miller, Plumley, Prissick, Schlotman, Sinclair, Smyth, Stirman, Weaver of Hunt, Williams of Walker, Williams of Colorado, Young, York, Zapp—33.

So the House adjourned at 12:30 o'clock P. M.

HOUSE OF REPRESENTATIVES,
Austin, Texas, June 10, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

On motion of Mr. Franks the reading of the journal of yesterday was dispensed with.

Mr. Franks, Chairman of the Committee on Privileges and Elections, submitted the following report and resolution:

COMMITTEE ROOM,
Austin, June 10, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred the resolution introduced by Hon. F. Kyle, inquiring into the eligibility of Hon. W. G. Robinson, sitting member from the Eighth District, have examined the evidence adduced and duly considered the same, and committee instruct me to report as follows:

We find from the evidence that the Hon. W. G. Robinson is clearly and legally entitled to his seat, and eligible under the reconstruction laws of Congress of the United States, and the Constitution of this State, having resided in the same two years previous to his election, and one year in Bowie county; therefore, be it

Resolved, That Hon. W. G. Robinson be and is hereby entitled to the seat now occupied by him as Representative from the Eighth District.

F. G. FRANKS, Chairman.

Resolution read first and second times, and on motion of Mr. Morris, the resolution was adopted, and Mr. W. G. Robinson declared entitled to his seat.

Mr. Zoeller offered the following resolution:

WHEREAS, The funds now in the treasury are inadequate to pay the expenses of a bill passed by this Legislature entitled, "An Act to provide for the protection of the frontier," therefore be it

Resolved, That the Committee on Finance be hereby instructed to inquire into and report upon any measure adapted to procure the necessary funds by loan or otherwise, in order to defray the expenses and carry into effect the said act.

Resolution read first and second times, and on motion of Mr. Grothaus, it was adopted.

Mr. Cooper introduced a bill to be entitled "An Act to prohibit the sale and use of spirituous, vinous and other intoxicating liquors at places of election, and providing a penalty therefor."

Bill read first time and referred to Judiciary Committee.

Mr. Grothaus moved a suspension of the rules to take from the table House Bill No. —, to be entitled "An Act creating the county of Peoples and providing for its organization."

Rules not suspended.

Mr. Stockbridge introduced a bill to be entitled "An Act regulating and prescribing fees of office."

Bill read first time and referred to Judiciary Committee.

Mr. Haswell introduced a bill to be entitled "An Act for the relief of the heirs of Anson Jones, deceased."

Bill read first time and referred to Committee on Private Land Claims.

Mr. Johnson introduced a bill, to be entitled "An Act to Authorize the Construction of a Plank Road from the City of Jefferson to Lake City Factory."

Bill read first time, and referred to Committee on Roads, Bridges and Ferries.

Mr. H. R. Allen introduced a bill, to be entitled "An Act to Incorporate the Houston Real Estate and Banking Company."

Bill read first time, and referred to Committee on Finance.

On motion of Mr. Sinclair, the rules were suspended to take up the business on the Speaker's table.

By unanimous consent, Mr. Schutze presented the petition of citizens of Bastrop, Fayette, Washington and Burleson counties for the formation of the county of Serbin.

Petition read and referred to Committee on Counties and County Boundaries.

House bill No. 201 to be entitled "An Act to Provide for the Appointment by the Governor of Certain Officers to fill Vacancies," read third time, and passed by the following vote, the yeas and nays being demanded by Messrs. Miller, Pierson and Chambers:

Yeas—Messrs. H. R. Allen, R. Allen, Burley, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, George, Harn, Hamilton, Haswell, Johnson, Kendall, Locke, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Prissick, Schlickum, Schlotman, Schutze, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, York, Zapp, Zoeller—45.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Bonner, Booty, Chambers, Cole, Hughes, Kyle, Lacy, Lane, McKee of Fannin, McLean, Miller, Posey, Robb, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson —24.

The title to the bill was agreed to.

A message was received from the Senate announcing that the President of the same had signed House bill No. 178, to be entitled "An Act authorizing quarantine on the coast of Texas and elsewhere in the State."

On motion of Mr. Moore, of Red River, the following named members were permitted to record their votes on the passage of House bill No. 201: Messrs. Schutze, Robinson and Grothaus voted yea. Messrs. Leonard and Hawkins voted no.

House bill No. 17, to be entitled "An Act to incorporate the Jewish Congregation 'B'Nai Israel,' of Galveston, Texas," read third time, passed and title agreed to.

House bill No. 19, to be entitled "An Act to incorporate Pennington College," read third time, passed and title agreed to.

House bill No. 26, to be entitled "An Act to incorporate the Galveston Bay Dredging Company," read third time, passed and title agreed to.

House bill No. 41, to be entitled "An Act to incorporate the Odd Fellows' Hall and Building Association of Texas," on motion of Mr. Franks, was re-committed to Committee on State Affairs.

On motion of Mr. Sinclair House bill No. 145, to be entitled "An Act to provide for the printing expenses of this Legislature," was laid on the table.

House bill No. 12, to be entitled "An Act to incorporate the Island City Real Estate and Homestead Association," read second time, and on motion of Mr. Franks the bill was ordered to be engrossed and read the third time.

The hour having arrived for the consideration of the special order of the day, which was House bill No. 115, to be entitled "An Act to establish a system of registration," and substitute for the same, to be entitled "An Act to provide for the registration of voters, the mode and manner of conducting elections, making returns, and for the protection of the purity of the ballot box," on motion of Mr. Franks the House resolved itself into Committee of the Whole for the consideration of the bill and substitute.

[Mr. Sinclair in the chair.]

12:15 P. M.

The committee rose; the chairman reported progress, and asked leave for the committee to sit again at 11 o'clock, A. M., to-morrow.

On motion of Mr. Cooper, the report was received and leave granted for the committee to sit again at 11 o'clock, A. M., to-morrow.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, June 10, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: As Chairman of the Committee on Enrolled Bills I have to report that House Bill No. 178 has this day been presented to the Governor, and his approval and signature of the same asked.

ROBINSON,
Chairman.

Report accepted.

On motion of Mr. Slaughter, the use of the hall was granted Mr. Ben. Epperson, for lecturing purposes, on Monday evening next.

Mr. Plumley moved the suspension of the rules for the immediate consideration of Senate Bill No. 101, to be entitled "An Act for the relief of J. H. Hallonquist."

Rules suspended and Senate Bill No. 101 read first time.

Mr. Plumley moved a further suspension of the rules to put the bill on its second reading. Lost.

House Bill No. 163, to be entitled "An Act to provide for the building of court houses and jails," read second time.

Mr. Tegener moved that the bill be printed and made the special order of the day for Monday next at 11 o'clock, A. M. Carried.

On motion of Mr. Becton, Mr. S. S. Weaver was granted leave of absence for thirty days from Monday next.

On motion of Mr. Schutze, Mr. Zoeller was permitted to withdraw the petition of Mr. Arlitt.

On motion of Mr. Sinclair, the rules were further suspended to put House Bill No. 12, to be entitled "An Act to incorporate the Island City Real Estate and Homestead Association," on its final passage.

House Bill No. 12 read third time, passed, and title agreed to.

Mr. Schutze moved that the House adjourn until 10 o'clock, A. M., to-morrow.

The yeas and nays being demanded by Messrs. Morrison, Sinclair and McKee of Guadalupe, stood:

Yeas—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Burley, Booty, Burnett, Cooper, Cotton, Cole, Camp, Cox, Dupree, Davis, Ellis, Gaston, George, Harn, Hamilton, Hawkins, Kendall, Lane, Leonard, Lyons, Moore of Harrison, McKee of Fannin, Mullins, Moore of Red River, Posey, Schlickum, Schlotman, Schutze, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, Zoeller—44.

Nays—Messrs. R. Allen, Bonner, Chambers, Dorris, Franks, Grothaus, Hughes, Johnson, Kyle, Lacy, Locke, Morrison, Morris, McLean, McKee of Guadalupe, Mitchel, Medlock, Miller, Pierson, Plumley, Prissick, Simmons, Sinclair, Tinsley, Williams of Walker, Young, York, Youngkin, Zapp—29.

So the House adjourned at 12:45 o'clock, P. M.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 11, 1870..

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

On motion of Mr. Franks the reading of yesterday's journal was dispensed with.

Mr. Crudup was excused from attendance on account of sickness.

Mr. Tinsley presented a petition from the County Court of Rusk county asking that a special tax may be levied and collected.

Petition read and referred to Committee on Finance.

Mr. Locke, Chairman of Committee on Agriculture and Stock Raising, submitted the following report:

COMMITTEE ROOM,
Austin, June 11, 1870.

To HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee, to whom was referred House bill No. 210, entitled "An Act for the protection of the growth of the pecan timber west of the Colorado river, report the same back as amended and recommend its passage.

Very respectfully,

W. J. LOCKE,
Chairman.

Report and bill passed to orders of the day.

Mr. Youngkin, Chairman of Committee on Roads, Bridges and Ferries, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, June 10, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 5, entitled "An Act to authorize F. A. Vaughan, William Safford and George P. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river, near the town of Seguin," having had the same under consideration, beg leave to report back the same and recommend its passage.

Very respectfully,

H. C. YOUNGKIN,
Chairman.

On motion of Mr. McKee, of Guadalupe, the rules were suspended for the immediate consideration of Senate bill No. 5, to be entitled "An Act authorizing F. A. Vaughan, William Safford and

George P. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river, near the town of Seguin."

Senate bill No. 5 read second time.

On motion of Mr. McKee, of Guadalupe, the bill was ordered to be considered engrossed and be read the third time.

Mr. McKee, of Guadalupe, moved a further suspension of the rules to put the bill on its final passage.

Rules not suspended.

Mr. Youngkin, Chairman of Committee on Roads, Bridges and Ferries, submitted the following report:

COMMITTEE ROOM,
Austin, June 10, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 186, entitled "An Act to incorporate the East Fork Plank Road Company, and to authorize P. D. Crume, L. D. Walton and their associates to construct and build said plank road," having had the same under consideration, beg leave to report back the same and recommend its passage.

Respectfully submitted,

H. C. YOUNGKIN,
Chairman of Committee.

Report and bill passed to orders of the day.

Mr. McKee, Chairman of Committee on Claims and Accounts, submitted the following reports:

COMMITTEE ROOM,
Austin, June 11, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Claims and Accounts, to whom was referred House Bill No. 177, have had the same under consideration and find that Harrison W. Moore was appointed district attorney of the ninth judicial district in the State of Texas on the thirtieth day of November, 1867, and that the said H. W. Moore did make his bond and file his affidavit, as required by law, immediately, and the said bond was sent by mail to Samuel L. Earle, in Tyler, Texas, who was the district judge of said ninth judicial district, for his the said Earle's approval, and on the account of some omission in the said bond, the said Earle returned the said bond to the said H. W. Moore; whereupon, the said H. W. Moore made a new bond and remitted it immediately to the said Earle for his approval, and owing to the uncertainty of the mails and the tardiness of the same

the said bond shows that it was not filed with the Comptroller of this State until the tenth day of January, 1868.

But your committee find that the said H. W. Moore was in the discharge of his official duties as district attorney during the month of December and up to the eleventh day of January. Your Committee also finds, from the records in said Comptroller s office, that the said H. W. Moore has never been paid one cent for said month and eleven days, and that it was no fault of the said H. W. Moore that the bond was not filed sooner. Your committee believes the said H. W. Moore is entitled to pay for the said month and eleven days.

Therefore, your committee returns said bill and recommend that it do pass.

JAMES McKEE,
Chairman.

COMMITTEE ROOM,
Austin, June 11, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: A majority of your Committee on Claims and Accounts, to whom was referred House Bill No. 52, have had the same under consideration, and find that there were some citizens in the State of Texas who resided in said State before the rebellion, who were driven from their homes and families during said rebellion on the account of their political views. And we further find that some of them sustained great and serious losses on account of their absence from their homes. All of that class of citizens above referred to joined the Federal army; some lost their lives in said army, and have left large and helpless families without a home.

Therefore, a majority of your committee returns said bill and recommend its passage.

JAMES F. McKEE,
Chairman.
WILLIAMS,
STOCKBRIDGE.

COMMITTEE ROOM,
June 11, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The undersigned member of your committee, to which was referred a bill entitled "An Act to provide for a bounty for Texas volunteers who served in the army of the United States during the late rebellion," dissenting from the majority report of said committee, begs leave to submit the following minority report:

Said bill provides for the payment of a bounty of one hundred dollars to every Texas refugee who voluntarily enlisted and served in any organization in the United States army during the late rebellion, whereas section twenty-five, article twelve of the State Constitution provides that "Annual pensions may be provided for those permanently disabled in the service of the United States during the late rebellion; provided they entered the service from this State." To entitle Texas volunteers in the United States army to assistance from the State treasury two things are necessary, they must have become permanently disabled in said service, and must have entered said service from this State. The Constitution having made provision for giving aid to one class only of Texas volunteers in the United States Army during the late war, intended, unquestionably, in the opinion of this minority, to exclude every other.

Very respectfully, etc.,

A. J. BOOTY.

Reports and bills passed to orders of the day.

Mr. Franks, Chairman of Committee on Privileges and Elections, submitted the following report and resolution:

COMMITTEE ROOMS,
Austin, June 10, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Privileges and Elections to whom was referred the resolution introduced by the Hon. James P. Butler, inquiring into the eligibility of Hon. H. C. Ellis, sitting member from Tenth District, have the honor to submit the following report, and recommend its adoption.

Your committee find no evidence proving the ineligibility of said member, but, on the contrary, have arrived at the conclusion that he is clearly eligible under the Constitution; therefore, be it

Resolved, That the Hon. H. C. Ellis, now holding his seat in the House of Representatives as Representative from Tenth District, is entitled to the same.

Respectfully,

F. G. FRANKS,
Chairman Committee.

Resolution read first and second times, and on motion of Mr. Cooper it was adopted, and Mr. H. C. Ellis declared entitled to his seat.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, June 11, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I am instructed by your Committee on Engrossed Bills, to whom was referred House bill No. 12, after careful examination, to report the same back as correctly engrossed.

C. J. STOCKBRIDGE,
Chairman.

Report accepted.

Mr. Grothaus, Chairman of Committee on Immigration, submitted the following reports:

COMMITTEE ROOMS,
AUSTIN, June 10, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Immigration having in view, and in accordance with article eleven, sections one and two of the Constitution of the State of Texas, making it the duty of the State Legislature to establish a system of immigration, having duly considered the highly important matter in question, beg leave to present the accompanying bill, entitled "An Act to Organize the Bureau of Immigration," and respectfully recommend its passage.

Very respectfully,
F. E. GROTHAUS,
Chairman of Committee.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee to whom was referred House bill No. 25, entitled "An Act to Incorporate the Texas Immigration Company," have duly considered the same, and beg leave to report that they do not believe the same advantageous to the State or to immigration thereto, but, on the contrary, designed to create a monopoly of a dangerous character. Wherefore they report unfavorably thereon, and pray that it do not pass.

Very respectfully,
F. E. GROTHAUS,
Chairman of Committee.

Reports and bills passed to orders of the day.

Also the following report:

COMMITTEE ROOM,
Austin, June 10, 1870

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee, to whom was referred by the Hon. R. Plumley of Galveston, a certain petition or document relative to immigration, by one Mosor and others, beg leave to state that they have had the same under consideration, and respectfully recommend that it do not pass.

Very respectfully,

F. E. GROTHAUS,
Chairman Committee.

On motion of Mr. Grothaus, the petition was laid on the table.

Mr. Sinclair, chairman of Committee on Education, submitted the following reports:

COMMITTEE ROOM,
Austin, June 11, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your committee to whom was referred House bill No. 172, entitled "An act to amend an act, approved January 27, 1844, and February 11, 1860, regarding Herman seminary," have had the same under consideration, and herewith report said bill back without amendment, and recommend its passage.

Respectfully,

SINCLAIR,
Chairman Committee on Education.

COMMITTEE ROOM,
Austin, June, 11, 1870.

Hon. IRA EVANS,
Speaker House Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 18, incorporating "Trinity University," have had the same under consideration, and herewith report the accompanying bills as substitutes for the one referred to them, and recommend their passage.

Respectfully,

SINCLAIR,
Chairman.

Reports and bills passed to orders of the day.

Mr. Schutze, Chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, June 10, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was submitted "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thos. Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company," beg leave to report that they have carefully examined the same and recommend its passage without amendments.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

Report and bill passed to orders of the day.

On motion of Mr. Burnett, the rules were suspended to take up House Bill No. 21, to be entitled "An Act to incorporate the Texas Banking and Insurance Company."

House Bill No. 21 read second time.

On motion of Mr. Cooper, the bill was ordered to be engrossed, and read the third time.

On motion of Mr. Cooper, the rules were further suspended to put the bill on its final passage.

House Bill No. 21, to be entitled "An Act to incorporate the Texas Banking and Insurance Company," read third time, passed, and title agreed to.

Mr. Hughes moved that the rules be suspended to take up substitute for Senate Bill No. 155, to be entitled "An Act to provide for districting the State of Texas into judicial districts."

Rules suspended and bill read first time.

On motion of Mr. Locke, the bill was referred to Judiciary Committee.

Mr. Camp introduced a bill to be entitled "An Act changing the name of San Patricio county, and for other purposes."

Bill read first time, and referred to Committee on Roads, Bridges and Ferries.

By leave of the House, Messrs. Plumley and Burnett were permitted to record their votes on the passage of House Bill No. 201, passed yesterday. Both voted yea.

Mr. Youngkin introduced a bill to be entitled "An Act to authorize the sale of certain Texas Reports."

Bill read first time, and referred to Judiciary Committee.

Also, a bill to be entitled "An Act to provide for the appraisement of all property sold at forced sale."

Bill read first time, and referred to Judiciary Committee.

Mr. Johnson introduced a bill to be entitled "An Act regulating and prescribing certain duties of insurance companies."

Bill read first time, and referred to Judiciary Committee.

Mr. Zapp introduced a bill to be entitled "An Act to regulate the taking of depositions in civil cases."

Bill read first time and referred to Judiciary Committee.

Mr. Plumley introduced a bill to be entitled "An Act regulating licenses on theatrical exhibitions."

Bill read first time and referred to Committee on Finance.

Mr. Butler introduced a bill to be entitled "An Act relative to public printing."

Bill read first time and referred to Judiciary Committee.

Mr. McKee, of Fannin, introduced a bill to be entitled "An Act to protect actual settlers on public lands."

Bill read first time and referred to Committee on Public Lands and Land Office.

Mr. Hamilton introduced a bill to be entitled "An Act to provide for the punishment of persons collecting illegal taxes."

Bill read first time and referred to Judiciary Committee.

Mr. Morris offered the following resolution:

Resolved, That a committee of three be appointed to ascertain the number of House and committee clerks, and other officers and employes connected with the House, and the per diem paid them; also if any committee clerks are drawing extra per diem for serving as committee clerk on more than one committee, and to report as early as practicable to this House the result of their investigation.

Be it further resolved, That said committee report back some system regulating the necessary number of clerks and employes, and their per diem.

Resolution read first and second times, and on motion of Mr. Grothaus it was adopted.

The Speaker appointed Messrs. Morris, Locke and McLean such committee.

UNFINISHED BUSINESS.

The question being on the resolution offered on the sixth instant, instructing the Committee on Privileges and Elections to inquire into the eligibility of Mr. Franks to his seat in the House,

The resolution was not adopted.

The question then being on the resolution offered on the seventh instant, instructing the Committee on Privileges and Elections to inquire into the eligibility of Mr. Pierson to his seat in the House,

The resolution was not adopted.

The hour having arrived for the consideration of the special order of the day, which was House bill No. 115, to be entitled "An Act to establish a system of registration," and substitute for the same, to be entitled "An Act to provide for the registration of voters, the mode and manner of conducting elections, making returns, and for the protection of the purity of the ballot-box,"

On motion of Mr. Slaughter the House resolved itself into Committee of the Whole for the consideration of the bill and substitute.

[Mr. Butler in the Chair.]

11:30 A. M.

Committee rose; the Speaker in the chair.

A message was received from the Senate announcing that that body had passed House Bill No. 16, to be entitled "An Act to incorporate the Magnolia Grove Association of Galveston, Texas;" House Bill No. 140, to be entitled "An Act to provide for the distribution of the money now in the State Treasury which is due to the several counties in the State;" and House Joint Resolution No. 15, "Requiring the late Assessors and Collectors to complete the assessment of taxes in their respective counties, and make return thereof to the Comptroller of Public Accounts on or before the first day of August, 1870."

Committee of the Whole resumed.

[Mr. Butler in the Chair.]

12:40 P. M.

Committee rose; the Chairman reported progress, and asked leave for the committee to sit again at 11 o'clock A. M., Monday next.

On motion of Mr. Franks the report was received.

Mr. Franks moved that the committee be allowed to sit again at 11 A. M., Monday next. Lost.

On motion of Mr. Slaughter the committee was granted permission to sit again at 11 o'clock A. M., Tuesday next.

On motion of Mr. Morrison, Mr. Abbott of Hill was granted four days' leave of absence from the 13th instant.

House Bill No. 129, to be entitled "An Act to incorporate Waco Lodge No. 92, Ancient Free and Accepted Masons," read third time, passed, and title agreed to.

On motion of Mr. Sinclair the rules were suspended to take up Senate Bill No. 56, to be entitled "An Act to prevent cessation of judicial functions, and avoid doubt of the validity of judgments and other regular proceedings of the Supreme, Criminal and District judges and courts."

Bill read first time and referred to Judiciary Committee.

Mr. Abbott, of Hill, moved a suspension of the rules to take up House Bill No. —, to be entitled "An Act to authorize the county

or police court of Ellis county to levy and collect a special tax."

Rules suspended and bill read first time.

Mr. Sheriff moved that the House adjourn. Lost.

On motion of Mr. Miller the leave of absence granted Mr. Jenkins was extended until Monday next.

On motion of Mr. McKee, of Guadalupe, Mr. Manning was excused from attendance indefinitely on account of sickness.

Mr. Schutze moved that the House adjourn until ten o'clock, Monday next.

The yeas and nays were demanded by Messrs. Cooper, Chambers and Robinson, and stood:

Yeas—Messrs. R. Allen, Cole, Cox, Dupree, Ellis, George, Hamilton, Kyle, Kendall, Leonard, Locke, Lyons, Morrison, Moore of Harrison, Mullins, Miller, Prissick, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Smyth, Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Williams of Colorado, Zoeller—31.

Nays—Messrs. Austin, Abbott of Hill, Becton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Davis, Dorris, Franks, Grothaus, Harn, Hawkins, Lane, McLean, McKee of Guadalupe, McKee of Fannin, Mitchel, Medlock, Moore of Red River, Pierson, Plumley, Robb, Robinson, Ross, Simmons, Stirman, Williams of Walker, Weaver of Johnson, Young, York, Youngkin, Zapp—36.

So the House refused to adjourn.

Mr. Cooper moved that the further consideration of House Bill No. —, to be entitled "An Act to authorize the county or police court of Ellis county to levy and collect a special tax," be postponed until Tuesday next. By leave of the House, the motion was withdrawn.

On motion of Mr. Abbott of Austin, the House (at 1:15 P. M.) adjourned until ten o'clock A. M., Monday next.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 13, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Abney and Leonard.

Messrs. Abney and Leonard were excused from attendance on account of sickness.

On motion of Mr. Grothaus the reading of the journal of Saturday, June 11, was dispensed with.

The Speaker laid before the House a petition from citizens of San Patricio county, protesting against a law being passed annexing a part of Refugio county to said county.

Petition read and referred to Committee on Counties and County Boundaries.

Also the petition of Theo. Geisecke contesting the seat of the Hon. C. J. Stockbridge, Representative from the Sixteenth District.

Mr. Morrison moved that the petition be laid on the table. Lost.

Petition referred to Committee on Privileges and Elections.

Also a memorial from citizens of Galveston protesting against the passage of that portion of a bill to charter the city of Galveston, which authorizes the City Council to levy a tax of two per cent. on the assessed value of all real and personal property in the city.

Memorial referred to Committee on Town and City Corporations.

Mr. Hawkins presented the petition of Thomas J. Jordan, an old Texan soldier, for relief.

Petition read and referred to Committee on State Affairs.

Mr. Burnett, Chairman of the Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, June 13, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The Judiciary Committee, to whom was referred Senate Bill No. 56, to be entitled "An Act to prevent cessation of judicial functions, and avoid doubt of the validity of judgments and other proceedings of the Supreme, Criminal and District judges and courts," having duly considered the same, have the honor to report it back with a recommendation that it be passed.

BURNETT,
Chairman.

On motion of Mr. Sinclair the rules were suspended to put on second reading Senate bill No. 56, to be entitled "An Act to pre-

vent cessation of judicial functions and avoid doubt of the validity of judgments and other regular proceedings of the Supreme, Criminal and District Judges and Courts."

Senate bill No. 56 read second time.

The bill was ordered to be read the third time.

On motion of Mr. Sinclair the rules were further suspended to put the bill on its third reading and final passage.

Senate bill No. 56 read third time, passed and title agreed to.

Mr. Burnett, chairman of Judiciary Committee, reported back House bill No. 63, to be entitled "An Act to authorize and require the Governor to appoint District Attorneys and other officers," and recommend that it be laid on the table.

It was so ordered.

Mr. Schutze, chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, June 11, 1870.

Honorable IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 237, "An Act regulating days' work of State employes and public officers," respectfully beg leave to report back said bill with the following amendment and recommend that it pass as amended:

Amend in section first by striking out after the words "Be it enacted by the Legislature of the State of Texas, that" the word "eight" and insert instead the word "six."

Your committee are of the opinion, and firmly convinced by their investigations on this subject, that six consecutive hours is as long a time as an efficient clerk can, or ought to be required to labor under the present rates of compensation.

The principal work of most of the public officers of this State is that of calculation, in which the *brain* is constantly exercised and severely tried; and while a mechanic, or other person performing manual labor, in which the muscles are alone exercised, might justly be required to work eight hours a day, your committee are of opinion that a much larger amount of work will be accomplished by the employes of the public offices of the State in a correct and satisfactory manner under the present regulation of six hours per day, which regulation has been in force ever since the establishment of public offices in this State.

It is contended by some that in other States, and in all the departments of the United States, eight hours constitute a legal day's work.

Upon examination and inquiry your committee find that this is not the case, but, on the contrary, that in the public offices of most of the Western and Northern States six hours is established as a day's work, and that, although in the offices of the United States government the office hours are fixed from 8 A. M. to 4 P. M., with one hour out of that time for dinner; in reality not more than five or six hours' work is performed.

It has been suggested that an intermission of one hour, out of eight hours' labor, should be allowed to our officers for dinner; but your committee is of the opinion that although the State would thereby apparently gain over the present system one hours' work of each employe, in reality the government would lose almost the entire evening services of such officer; because it cannot be presumed that in the excessive heat of our summer days any government employe should *within one hour* make the distance from his respective office to his home, take dinner, return, and then be in a condition to perform any mental labor during the balance of the day.

All the premises considered, your committee warmly recommend that the present system of six hours' labor in the public offices of the State be retained as the more profitable to the State, and the most convenient to the public at large.

Very respectfully,
JULIUS SCHUTZE, Chairman of Committee.

Report and bill passed to orders of the day.

Mr. Slaughter, Chairman of Committee on Finance, submitted the following reports:

COMMITTEE ROOM, Austin, June 13, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Finance, to whom was referred House Bill No. 183, entitled "An Act legalizing a special tax to be collected for 1870, in Rusk county," have the honor to report that they have had the same under consideration and do most respectfully recommend its passage.

SLAUGHTER, Chairman.

COMMITTEE ROOM,
Austin, June 13, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Finance, to whom was referred House Bill No. 195, with the accompanying petition from the citizens of Dallas county, asking that James P. Goodright, late assessor and collector of taxes for said county, be relieved of any obligation to the State for the amount of twenty-seven hundred dollars, more or

less, stolen from the safe of one George W. Guess, have the honor to report they have carefully investigated the same, and from all the evidence are fully of opinion that said James P. Goodright should be relieved, as prayed for. Therefore, your committee most respectfully recommend the passage of said bill.

SLAUGHTER, Chairman

COMMITTEE ROOM, AUSTIN, June 13, 1870.

Hon. IRA. H. EVANS,

Speaker House of Representatives:

SIR: Your Committee on Finance, to whom was referred the memorial of James L. Lipscomb and John Blair, of Houston county, praying to be relieved from H. G. McDaniel's bond as assessor and collector of taxes of said county, have the honor to report that they have had the same under consideration, and being of opinion that such relief should be granted, they beg to report the accompanying bill and ask its passage. SLAUGHTER, Chairman.

COMMITTEE ROOM, Austin, June 13, 1870.

Hon. IRA H. EVANS,

Speaker House of Representatives:

SIR: Your Committee on Finance, to whom was referred House Bill No. 193, entitled "An Act for the relief of District Attorneys *pro tem.*," have the honor to report that they have had the same under consideration, and while it may meet their entire approbation, yet it is clearly a question which should be determined by the Judiciary Committee. Therefore, your committee respectfully recommend its reference to the Committee on Judiciary, and asks to be discharged from further consideration of the subject.

SLAUGHTER, Chairman.

Reports and bills passed to orders of the day.

Mr. Youngkin Chairman of Committee on Roads, Bridges and Ferries, submitted the following reports:

COMMITTEE ROOMS, Austin, June 10, 1870.

HON. IRA H. EVANS,

Speaker of House Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 24, entitled "An Act to authorize John Ferrell, a citizen of Marion county, to erect and keep a public ferry on the Big Cypress Bayou in said county," having had the same under consideration, beg leave to report back the same and recommend its passage. Very respectfully,

YOUNGKIN, Chairman.

COMMITTEE ROOM, Austin, June 10, 1870.

To Hon. IRA H. EVANS,

Speaker of House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. —, "to authorize and grant a charter to Alexander Inglish to build and construct a bridge across the Bois D'Arc Creek, in Fannin county," having had the same under consideration, beg leave to report back the same and recommend its passage. Very respectfully. YOUNGKIN, Chairman.

Reports and bills passed to orders of the day.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, Austin, June 13, 1870.

HON. IRA H. EVANS,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills instruct me to report that they have carefully examined House bill No. 88, and find the same to be correctly enrolled. Very respectfully,

ROBINSON, Chairman.

Report accepted.

Mr. Posey offered the following resolution:

WHEREAS, Hon. W. C. Dalrymple has long been connected with the State, both in the Senate and House of Representatives, and is now sojourning in this city, therefore,

Resolved, That he be invited to a seat in the hall.

Resolution read first and second times, and on motion of Mr. Plumley, it was adopted.

Mr. Miller offered the following resolution:

WHEREAS, It is currently reported and believed by members of this House that the Hon. C. J. Stockbridge was not, at the time of his election, a registered voter in this State.

Resolved, That the Committee on Privileges and Elections be instructed to inquire into the truth of said report, and report to this House the result of their investigation.

Resolution read first and second times, and on motion of Mr. Moore, of Red River, it was adopted.

Mr. Butler gave notice that he would offer an additional rule for the government of the House.

Mr. Johnson introduced a bill, to be entitled "An Act to Incorporate Southern Trans-Continental Railway Company."

Bill read first time, and referred to Committee on Internal Improvements.

Mr. Slaughter introduced a bill, to be entitled "An Act to

Authorize the Governor to Procure from the Archives of the Old Spanish Missions the History of this State prior to 1793, and to make appropriations for the same."

Bill read first time, and referred to Committee on Finance.

On motion of Mr. Cooper, the rules were suspended, to take from the Speaker's table House bill No. 54, to be entitled "An Act for the Relief of the East Texas Agricultural and Mechanical Association."

House bill No. 54 read second time.

The following amendment reported by the committee was adopted: Strike out in the fifth line of section one the following words, "to alter or change the same at pleasure."

A message was received from the Senate, announcing that that body had passed House bill No. 88, to be entitled "An Act to Provide for the Protection of the Frontier."

On motion of Mr. Tinsley, section thirteen of House bill No. fifty-four was stricken out, and the following inserted in lieu thereof: "That this act take effect and be in force for ninety-nine years from and after its passage."

House bill No. 54 was ordered to be engrossed, and read the third time.

The hour having arrived for the consideration of the special order of the day, which was House bill No. 163, to be entitled "An Act to Provide for the Building of Court Houses and Jails," the bill was read the second time.

On motion of Mr. Sinclair, the bill was recommitted to Committee on Public Buildings and Grounds.

Mr. Sinclair moved that the rules be suspended for the consideration of House bill No. 115, to be entitled "An Act to establish a system of registration," and substitute for the same, to be entitled "An Act to provide for the registration of voters, the mode and manner of conducting elections, making returns, and for the protection of the purity of the ballot-box," and that the House resolve itself into Committee of the Whole for the consideration of the same. Carried.

[Mr. Sinclair in the Chair.]

11:45 A. M.

House resumed. Speaker in the Chair.

A special message was received from the Governor.

On motion of Mr. Burnett, the rules were suspended to allow of the reading of the following message from the Governor:

EXECUTIVE OFFICE, Austin, June 13, 1870.

Hon. IRA H. EVANS,

Speaker of the House of Representatives, Austin, Texas.

SIR: I have the honor herewith to inclose copies of correspondence relating to claims of George W. Paschal, in accordance with the following resolution of your House of the 13th ultimo:

Resolved, That the Governor be requested to furnish this House with correspondence relating to claims of George W. Paschal against the State for legal services.

In addition to the progress disclosed in this correspondence, nothing further has been effected toward securing a settlement with Mr. Paschal. Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Mr. Burnett the message and accompanying documents were referred to Committee on Finance.

Committee of the Whole resumed.

[Mr. Sinclair in the chair.]

12:15 P. M.

House resumed; Speaker in the chair.

A message was received from the Senate announcing that that body had passed Senate bills Nos. 55, 81 and 188, and asking the concurrence of the House in the same.

On motion of Mr. Burnett the rules were suspended to put the bills on their first reading.

Senate bill No. 55, to be entitled "An Act to organize and define the powers of the Criminal District Courts in and for the counties of Galveston and Harris, and to prescribe the duties thereof," read first time and referred to Judiciary Committee.

Senate bill No. 81, to be entitled "An Act to legalize an ordinance adopted by the Convention on the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad Company in Falls and McLennan counties," read first time and referred to Judiciary Committee.

Senate bill No. 188, to be entitled "An Act granting certain real estate to the city of Austin," read first time and referred to Judiciary Committee.

Committee of the Whole resumed. Mr. Sinclair in the chair.

12:40 P. M.

Committee rose; the Chairman reported progress, that the committee asked that House bill No. 115 and substitute for the same, with amendments adopted by Committee of the Whole, be referred to a special committee, and that the Committee of the Whole be discharged.

The report of the committee was adopted.

The Speaker appointed Messrs. Plumley, Cooper, Young, Schutze, Grothaus, Williams of Colorado, McLean, Abbott of Hill, and Posey such special committee.

On motion of Mr. Burnett the committee was instructed to report a bill for an election law.

On motion of Mr. Morrison the rules were suspended to proceed to the transaction of business on the Speaker's table.

House bill No. 13, to be entitled "An Act to incorporate Big Cypress Bridge Company," read second time.

On motion of Mr. Morrison it was ordered to be engrossed and read the third time.

On motion of Mr. Tegener section six was so amended as to read "for single horse and rider, ten cents."

On motion of Mr. McLean the rules were further suspended to put the bill on its final passage.

House bill No. 13 read third time, passed and title agreed to.

On motion of Mr. McLean the rules were suspended to take up House bill No. 153, to be entitled "An Act appropriating money to pay a claim upon vouchers against the State."

House bill No. 153 read second time.

On motion of Mr. Grothaus, the bill was ordered to be engrossed and read the third time.

On motion of Mr. Franks, the rules were further suspended to put the bill on its final passage.

House Bill No. 153 read third time and passed by the following vote:

Yeas—Messrs. Austin, Abbott of Austin, R. Allen, Abbott of Hill, Becton, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dupree, Dorris, Franks, Gardiner, Grothaus, George, Hughes, Harn, Hamilton, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Ross, Schlickum, Schlotman, Schutze, Simmons Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zoeller—70.

Nays—None.

The title was agreed to.

On motion of Mr. Tegener, (at 1:10 P. M.) the House adjourned until ten o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 14, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Johnson and Schlickum.

On motion of Mr. Grothaus the reading of yesterday's journal was dispensed with.

Mr. Schlickum was excused from attendance on account of sickness.

Mr. Hughes was granted leave of absence for thirty days from tomorrow.

Mr. Grothaus presented the petition of F. B. Webb for relief.

Referred to Committee on Claims and Accounts.

Mr. Slaughter presented a memorial from Mrs. Abby Thompson for relief.

Referred to Committee on Public Lands and Land Office.

Mr. Lane presented the petition of citizens of Dallas county, asking the passage of a law prohibiting the sale of intoxicating liquors within five miles of Scyem Male and Female Masonic High School.

Referred to Committee on State Affairs.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, June 13, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: I have the honor to report that House bill No. 88, entitled "An Act to Provide for the Protection of the Frontier" has this day been presented to the Governor for approval and signature.

ROBINSON,
Chairman.

Report accepted.

Mr. Sheriff presented the petition of members of the grand and petit juries of the United States District Court, now in session, for relief.

Referred to Committee on Judiciary.

Mr. Young, chairman of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
Austin, June 14, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was recommitted House bill No. 139, entitled "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston," having again carefully examined said bill, would respectfully propose as a substitute therefor the accompanying bill, and recommend its passage.

Very respectfully,

H. W. YOUNG,
Chairman of Committee.

Report and bill passed to orders of the day.

Mr. Johnson was excused from attendance on account of sickness.

Mr. Camp, chairman of Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,
Austin, June 14, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

The Committee on Public Lands and Land Office, to whom was referred House Bills Nos. 99, 101, and 250, donating lands to actual settlers, have had the same under consideration, and the committee have instructed me to report House Bill No. 99, and recommend its passage, and to report Bill No. 101 and Bill No. 250, and recommend that they do not pass.

In recommending the passage of House Bill No. 99, the committee, after careful examination, do not find it in conflict with the constitution, and the policy of donating land to actual settlers being in all governments one of the greatest means of building up the country. No State advances rapidly until by such legislation the public domain is thus placed in the hands of the citizen settler, who, for the sake of a home, will go upon such public domain, cultivate the same, and by paying taxes make it a source of revenue to the State, adding strength to our political power at home and abroad, at the same time developing the internal resources of the State. The committee, in addition to the foregoing, believe that such a measure, encouraged by the proper legislation, will do as much, if not more, to encourage immigration of sturdy farmers and husbandmen to our State than any other measure, and if every acre of public domain was placed in the hands of such men, it would add more to the wealth and prosperity of the country than all other

schemes and improvements. With these views, the committee do earnestly recommend the passage of House Bill No. 99, herewith presented.

L. B. CAMP,
One of the committee.

Report and bill passed to orders of the day.

Mr. Robb, from Committee on Public Buildings and Grounds, submitted the following report:

COMMITTEE ROOM,
Austin, June 8, 1870.

To HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Public Buildings and Grounds, to whom was referred House Bills Nos. 163 and 224, and petition of citizens of Hamilton county, after having carefully considered the same, herewith return them and submit the following as the result of their deliberations.

House Bill No. 163, providing for the building of courthouses and jails, fully meet the wants of the State in this particular, and we respectfully urge its passage.

Your committee would further recommend to your honorable body that the House Bill No. 163 be so amended as to read "three-fourths of one per cent.," instead of one-half per cent., as it now reads.

House Bill No. 224, providing for the appointment of janitor for the capitol buildings and grounds, provides for a want that the daily evidences of neglect in care of the grounds, and the defacing and destroying of portions of the buildings, much call for; and we respectfully recommend its passage.

Petition of citizens of Hamilton county, praying for assistance to build courthouse, we find impracticable to grant; moreover, House Bill No. 163 furnishes, in a measure, the relief asked, and do therefore recommend its rejection.

Respectfully,

JOHNSON,
Chairman Committee P. B. and G.

Report and bills passed to special orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, June 14, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Engrossed Bills, to whom was referred

House Bill No. 21, have the honor to report that they have examined the same, and find it to be correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, June 14, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The Judiciary Committee, to whom was referred Senate Bill No. 81, entitled "An Act to legalize an ordinance adopted by the Convention on the 12th day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad Company, in Falls and McLennan counties," having duly considered the same, instruct me to report the same back with a recommendation that it be passed.

Very respectfully,

BURNETT,
Chairman.

On motion of Mr. Crudup the rules were suspended to put Senate Bill No. 81, to be entitled "An Act to legalize an ordinance adopted by the Convention on the 12th day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad Company, in Falls and McLennan counties," on its second reading.

Senate Bill No. 81, read the second time.

On motion of Mr. Crudup the bill was ordered to be engrossed and read the third time.

On motion of Mr. Crudup the rules were further suspended to put the bill on its third reading and final passage.

Senate Bill No. 81 read third time, passed, and title agreed to.

Mr. Schutze gave notice that to-morrow he would offer an amendment to the rules to make the Engrossing Committee also a Committee on Style.

Mr. McLean introduced a bill to be entitled "An Act to amend an act entitled an act to incorporate the Sulphur Bridge and Turnpike Company," approved November 6, A. D. 1866.

Bill read first time, and referred to Committee on Roads, Bridges and Ferries.

Mr. Zapp offered the following joint resolution:

WHEREAS, An unlawful legislature, during the late rebellion, has

changed the name of the county Cass, in honor to the rebel chief, into Davis, and Buchanan county into Stevens, in honor to the Vice President of said rebellion, which was approved December 17, 1861 (see laws of Texas from 1859 to 1864, page 8); and

Whereas, the 11th Legislature has passed an act creating the county of Hood, in honor of J. B. Hood, general of the rebel army (see general laws of the 11th Legislature, page 83, passed November 2, 1866),

Be it resolved by the Legislature of the State of Texas, That the name of Davis county be again restored into Cass; that of Stevens be changed into Lincoln, and that of Hood into Davis, in honor of Governor E. J. Davis.

That this act take effect from and after its passage.

Joint resolution read first time, and referred to Committee on Counties and County Boundaries.

Mr. Butler offered the following resolution:

Resolved, That the rules of the House be amended by adding thereto the following: "It is not in order for the Speaker to entertain any request of a member to change his vote on any question after the result shall have been declared; nor shall any member be allowed to record his vote on any question if he was not present when such vote was taken.

Resolution read first and second times.

Mr. Sinclair offered the following amendment:

Add "except by unanimous consent of the House."

On motion of Mr. Sinclair, the resolution and amendment were laid on the table.

Mr. Lane introduced a bill to be entitled "An Act to provide for the summary ejectment of intruders upon lands and tenements."

Bill read first time and referred to Judiciary Committee.

Also a bill to be entitled "An Act to prohibit the sale of intoxicating liquors in the vicinity of the town of Scyem, Dallas county, Texas.

Bill read first time and referred to Committee on State Affairs.

Mr. Youngkin introduced a bill to be entitled "An Act to provide for the further security and arrest of criminals."

Bill read first time and referred to Judiciary Committee.

Mr. Hawkins introduced a bill to be entitled "An Act to incorporate the Foster's Crossing Bridge Company, in Navarro county."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Jenkins introduced a bill to be entitled "An Act to incorporate the town of Gatesville."

Bill read first time and referred to Committee on Town and City Corporations.

Mr. Hamilton offered the following resolution:

Resolved, That the Judiciary Committee consider the propriety of making the following as an article of the Penal Code, to-wit:

ARTICLE —. If any person or persons shall make use of any profane or indecent language, or indulge in any loud or boisterous conversation in any street or public highway, or in any store, hotel or other public place, in the presence of or where he or they can be distinctly heard by any females, he or they shall be deemed guilty of a misdemeanor, and for each and every offense shall be fined, on conviction, in any sum not less than ten nor more than one hundred dollars."

Resolution read first and second times, and on motion of Mr. Sinclair it was adopted.

Mr. Jenkins introduced a bill to be entitled "An Act to regulate mechanics' and other liens, and to provide for enforcing the same."

Bill read first time and referred to Committee on Claims and Accounts.

Mr. Miller offered the following resolution:

WHEREAS, It is believed by members of this House that the Hon. W. H. Sinclair, now occupying a seat as a member of this House from the Twelfth Senatorial District, had not, for the last year next preceding his election, been a citizen of the county, city or town from which he was chosen, and is therefore holding said seat in violation of section five, article three of the Constitution of this State,

Resolved, That the Committee on Privileges and Elections be instructed to inquire into the eligibility of the Hon. W. H. Sinclair as a member of this House under said section of the Constitution and report thereon.

Resolution read first and second times.

Mr. Plumley moved that the resolution be rejected. Lost.

On motion of Mr. Sinclair it was adopted.

The hour having arrived for the consideration of the special order of the day, House bill No. 115, to be entitled "An Act to establish a system of registration," and substitute for the same, on motion of Mr. Plumley it was postponed until eleven o'clock A. M. to-morrow.

House bill No. 163, to be entitled "An Act to provide for the building of courthouses and jails," read second time.

Mr. Dorris moved to amend section one, line three, by inserting the words "stone or brick" after the word "courthouse." Lost.

Mr. Abbott, of Hill, moved to amend section one, lines one and

two, by striking out the words "Board of Commissioners on Public Grounds and Buildings," and inserting in lieu thereof the words "police court of each county in this State," and to strike out the word "all" in line three and insert in lieu thereof the words "their respective."

On motion of Mr. Burnett the amendment was laid on the table.

Mr. Burnett offered the following amendment:

In line one, section two, strike out letter "a," and insert the word "each" in its stead.

Amendment adopted.

Mr. Abbott of Hill moved to strike out the words "under the direction of the Board of Commissioners," in line two, section two.

On motion of Mr. Slaughter the amendment was laid on the table.

Mr. McLean moved to strike out section three. Lost.

Mr. Burnett offered the following amendment to section four:

Add, after the word "bond," in first line, the words "payable to the presiding justice of the county or his successor or successors in office."

Amendment adopted.

Mr. Leonard offered the following amendment:

In section four, line three, after the word "contemplated" add the words "to be approved by the Board of Commissioners."

Amendment lost.

Mr. McLean moved to strike out the words "not to exceed," in line one, section four, and to insert the words "equal to."

Carried.

On motion of Mr. Tegener section five was amended by striking out the word "one-half," and inserting in lieu thereof the word "three-fourths."

Mr. McLean moved to strike out the words "of the contract money," and to insert the word "bid," in line two, section four.

Carried.

Mr. Sheriff offered the following amendment:

Section one, line three, after the word "court-house," insert the words "and for the repairing of jails and court-houses."

On motion of Mr. Tegener the amendment was laid on the table.

Mr. Burnett offered the following amendment:

Insert between the words "No" and "proper," lines three and four of section one, the words "such buildings on."

Amendment adopted.

On motion of Mr. Grothaus the bill was ordered to be engrossed and read the third time.

Mr. Tegener moved a suspension of the rules to put the bill on

its third reading and final passage; upon which the yeas and nays were demanded by Messrs. Stirman, Lane and Hawkins, and stood:

Yeas--Messrs. Abbott of Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Jenkins, Kyle, Kendall, Locke, Lyons, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Schlotman, Sheriff, Simmons, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller--54.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Cole, Hawkins, Lane, Leonard, Miller, Posey, Robb, Smyth, Stirman, Shelburne, Weaver of Johnson--15.

So the House refused to suspend the rules; four-fifths of the members present not having voted for the same.

On motion of Mr. Burnett the rules were suspended to proceed to the transaction of business on the Speaker's table.

House Bill No. 18, to be entitled "An Act to incorporate Trinity University, located at Tehuacana Hills, Limestone county, Texas," read second time, and, on motion of Mr. Burnett, was laid on the table.

A bill reported by Committee on Education, to be entitled "An Act to incorporate Trinity University, located at Tehuacana Hills, Limestone county, Texas," read first time.

A bill reported by same committee, to be entitled "An Act to prohibit the sale of spirituous liquors and the keeping of any gaming device within five miles of Trinity University," read first time.

On motion of Mr. Abbott, of Hill, the rules were suspended to put the bills on their second reading.

House Bill No. 264, to be entitled "An Act to incorporate Trinity University, located at Tehuacana Hills, Limestone county, Texas," read second time.

It was ordered to be engrossed and read the third time.

On motion of Mr. Burnett the rules were further suspended to put the bill on its third reading and final passage.

House Bill No. 264 read third time, passed, and title agreed to.

On motion of Mr. Williams, of Colorado, the use of the hall for to-night was granted the colored people for lecturing purposes.

Mr. Mullins moved that the House now adjourn; upon which motion the yeas and nays were demanded by Messrs. Cooper, Chambers and Plumley, and stood:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Cole, Camp, Dupree, Hawkins, Kendall, Lacy, Locke, Moore of Harrison, Mul-

lins, Robb, Slaughter, Tegener, Williams of Colorado, Youngkin, Zoeller—17.

Nays—Messrs. Austin, Allen H. R., Allen Richard, Becton, Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Cox, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Kyle, Lane, Leonard, Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Medlock, Miller, Pierson, Plumley, Prissick, Robinson, Schlotman, Schutze, Sheriff, Simmons, Smyth, Stockbridge, Shelburne, Tinsley, Williams of Walker, York, Zapp —47.

So the House refused to adjourn.

House bill No. 263, to be entitled "An Act to prohibit the sale of spirituous liquors and the keeping of any gaming device within five miles of Trinity University," read second time.

Mr. Slaughter moved to strike out the words "five miles" and to insert in lieu thereof the words "one mile."

Mr. Lacy moved to lay the amendment on the table. Lost.

By leave Mr. Slaughter withdrew the amendment.

Mr. Plumley moved to amend by striking out the word "five" and inserting the word "two" in section one. Carried.

Mr. Slaughter moved to amend by striking out the words "ten-pin alley, billiard table, or other," in section one.

On motion of Mr. Locke the House (at 1:10 P. M.) adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 15, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Absentees—Messrs. Schlickum and Stockbridge.

Mr. Schlickum was excused from attendance indefinitely on account of sickness.

Mr. Stockbridge was excused from attendance on account of sickness.

On motion of Mr. Franks, the reading of yesterday's journal was dispensed with.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
June 15, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

Your Committee on Enrolled Bills instruct me to report that they have carefully examined House Bill No. 140, and House Joint Resolution No. 15, and find the same correctly enrolled.

ROBINSON, Chairman.

Report accepted, and bill and joint resolution signed by the Speaker and sent to the Senate.

Mr. Slaughter, for Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, June 15, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR The Judiciary Committee having considered the bill introduced by Hon. J. P. Butler, entitled "An Act regulating the public printing," respectfully report the same back to the House, and recommend its passage.

GEO. H. SLAUGHTER,
For committee.

Report and bill passed to orders of the day.

Mr. Locke, Chairman of Committee on Agriculture and Stock Raising, submitted the following report:

COMMITTEE ROOM,
Austin, June 15, 1870.

Hon. IRA H. EVANS,

SIR: Your committee to whom was referred House Bill No. 217,

have had the same under consideration, and find that it conflicts with section fourteen, article one, of the Bill of Rights, and report the same back and recommend that it be not passed.

Very respectfully,
W. J. LOCKE,
Chairman Agriculture and Stock Raising.

Report and bill passed to orders of the day.

Mr. Cooper, chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, June 15, 1870.

HON. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petition of the citizens of a portion of the counties of Fayette, Bastrop, Caldwell and Gonzales, praying for the creation of a new county, have had the same under consideration, and after mature deliberation would most respectfully state that the necessity of the citizens demand the creation of said new county; therefore your committee return the accompanying bill, providing for the creation and organizing of the county of Lincoln and locating the county site at the town of Hopkinsville, and respectfully ask that it do pass.

COOPER, Chairman.

Report and bill passed to orders of the day.

Mr. Morris, chairman of Committee on Town and City Corporations, submitted the following reports:

COMMITTEE ROOM,
Austin, June 15, 1870.

HON. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred a communication addressed to your honorable body by a number of the inhabitants of the village of Round Top, Fayette county, petitioning that said village be incorporated as a town, entitled "A Bill to incorporate the town of Round Top, Fayette county," would respectfully return the same, with the suggestion that it is not within the province of this committee's duties to originate or prepare charters for towns or cities, but that it is the duty of the inhabitants of any community, desiring incorporation, to them-

selves prepare in proper and formal shape their charter for the consideration of the Legislature.

Very respectfully,

C. D. MORRIS,
Chairman of Committee.

COMMITTEE ROOM,
Austin, June 15, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred a communication addressed to your honorable body by a number of the inhabitants of the town of Bonham petitioning for incorporation as a city, would respectfully return the same, with the suggestion that the parties interested in the matter of incorporating said town prepare and present a charter for the same, as your committee do not consider it within their duty or authority to construct such charters, but simply to pass upon them when referred to them.

Very respectfully,

C. D. MORRIS,
Chairman of Committee.

On motion of Mr. Johnson the reports and petitions were laid on the table.

Also the following report:

COMMITTEE ROOM,
Austin, June 15, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred a bill introduced by the Hon. J. W. Posey entitled "An Act to incorporate and grant a new charter to the town of Georgetown, and repeal an act approved September 26, 1866, entitled 'An Act to incorporate the town of Georgetown, in Williamson county, Texas.'" having carefully examined the same, have instructed me to report favorably upon said bill, and to recommend its passage.

Very respectfully,

C. D. MORRIS,
Chairman of Committee.

Report and bill passed to orders of the day.

Mr. Youngkin, Chairman of Committee on Roads, Bridges and Ferries, submitted the following report:

COMMITTEE ROOM,
Austin, June 15, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 184, entitled "An Act to authorize Carr Forest, of Ellis county, to erect and keep a toll bridge over Chambers' creek, in Ellis county," having had the same under consideration, beg leave to report back the same and recommend its passage.

Respectfully,

YOUNGKIN, Chairman.

Report and bill passed to orders of the day.

Mr. McKee, Chairman of Committee on Claims and Accounts, submitted the following report:

COMMITTEE ROOM,
Austin, June 14, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom was referred House Bill No. 262, entitled "An Act to regulate mechanics and other liens, and to provide for enforcing the same," after duly and carefully considering the same, beg leave to report it back to your honorable body, and recommend its passage.

J. F. McKEE,
Chairman of Committee on Claims and Accounts.

Report and bill passed to orders of the day.

Mr. Abney, Chairman of Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,
Austin, June 14, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred "An Act for the relief of Thomas M. Joseph and Henry M. Truehart" (House Bill No. 64), have had the same under consideration, and I am instructed to report the same back, and recommend its passage without amendments.

Respectfully,

ABNEY, Chairman.

Report and bill passed to orders of the day.

On motion of Mr. Slaughter the rules were suspended to take from the Speaker's table House Bill No. 2, to be entitled "An Act making an appropriation for the mileage and per diem pay of the

members and the per diem pay of the officers and employes of the 12th Legislature of the State of Texas"

House Bill No. 2 read third time.

Mr. Sinclair moved to amend section 1 by striking out the words "seventy-five" and inserting in lieu thereof the words "one hundred and fifty." Amendment adopted.

House Bill No. 2 passed by the following vote:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, Richard Allen, Becton, Butler, Burley, Booty, Burnett, Bonner, Cooper, Crudup, Cole, Camp, Cox, Dupree, Davis, Dorris, Ellis, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Johnson, Kyle, Kendall, Lane, Leonard, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Schlotman, Sheriff, Sinclair, Slaughter, Stirman, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Johnson, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—64.

Nays—Messrs. Austin, Chambers, Hawkins, Jenkins, Lacy, Locke, McKee of Fannin, Robb, Simmons, Smyth—10.

The title to the bill was agreed to.

A message was received from the Senate, announcing that that body had passed Senate bill No. 94, to be entitled "An Act to Expedite the Construction of the Southern Pacific Railroad," asking the concurrence of the House in the same.

Mr. McLean moved a suspension of the rules, to take from its regular order Senate bill No. 94, to put it upon its first reading.

Upon which motion the yeas and nays were demanded by Messrs. Davis, Robinson and Locke, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Becton, Butler, Booty, Crudup, Cole, Ellis, Gaston, Harn, Lacy, Lane, McLean, McKee of Fannin, Miller, Moore of Red River, Posey, Robb, Simmons, Slaughter, Weaver of Johnson—21.

Nays—Messrs. Speaker, Abney, Abbot of Austin, Richard Allen, Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Kendall, Leonard, Locke, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Pierson, Plumley, Prissick, Robinson, Schlotman, Schutze, Sheriff, Sinclair, Smyth, Stirman, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—57.

So the House refused to suspend the rules.

Mr. Slaughter introduced a bill to be entitled "An Act for the

Relief of Jeremiah Morton." Bill read first time and referred to Committee to Examine Comptroller's and Treasurer's Offices.

Mr. Lane introduced a bill to be entitled "An Act to Incorporate the Dallas Wire Suspension Bridge Company."

Bill read first time and referred to Committee on Roads, Bridges, and Ferries.

Mr. Schutze, Chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
June 14, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom was recommitted House bill No. 41, to be entitled "An Act to incorporate the Odd Fellows' Hall and Building Association of Texas," would most respectfully beg leave to report the same back with the following amendments, and recommend its passage, viz:

That the caption be amended so as to read "Odd Fellows' Building and Exchange Company of Texas," and strike out all that portion in section number nine which has reference to insurance.

Respectfully submitted,
J. SCHUTZE,
Chairman.

Report and bill passed to orders of the day.

Mr. Schutze offered the following resolution:

Resolved, That the Committee on Engrossed Bills, in addition to their duties as such are also declared to be a Committee on Style, whose duty it shall be to see that all bills passed by this House are correct in "style," orthography, punctuation, and in whatever else it is within the province of the committee to correct.

Resolution read first and second times, and, on motion of Mr. Schutze, it was adopted.

Mr. Lane introduced a bill to be entitled "An Act to declare certain persons competent witnesses."

Bill read first time and referred to Judiciary Committee.

Mr. Abbott of Austin offered the following resolution:

WHEREAS, Hon. A. J. Bell, an old citizen, and in former times connected with the State Government, is in this city; therefore, be it

Resolved, That he be invited to a seat in this hall during his sojourn in this city.

Resolution read first and second times.

Mr. Young moved to amend by inserting the name of the Hon. Marion Martin.

Mr. Lacy moved to amend the amendment by adding the name of Judge Morris.

Mr. Williams of Walker moved to lay the resolution and amendments on the table. Upon which motion the yeas and nays were demanded by Messrs. Slaughter, Bonner and Young, and resulted as follows:

Yeas—Messrs. Abney, R. Allen, Butler, Burnett, Dupree, Davis, Franks, Grothaus, Morris, Robinson, Schlotman, Williams of Walker, Williams of Colorado, Zoeller—14.

Nays—Messrs. Austin, Abbott of Austin, H. R. Allen, Becton, Booty, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Cox, Dorris, Ellis, Gaston, Gardiner, George, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Medlock, Miller, Moore of Red River, Pierson, Plumley, Prissick, Robb, Ross, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Johnson, Young, York, Youngkin, Zapp—59.

So the House refused to lay the resolution and amendments on the table.

The hour having arrived for the consideration of the special order of the day, viz.; House Bill No. 115, to be entitled "An Act to establish a system of registration," and substitute for the same, on motion of Mr. Plumley it was postponed until eleven o'clock A. M. to-morrow, and the substitute as prepared by the special committee was ordered to be printed.

The business under consideration before the special order of the day resumed.

Mr. Cooper moved to postpone the consideration of the subject until September 1, 1870.

A message was received from the Senate announcing that the President of the same had signed House Joint Resolution No. 15, "Requiring the late assessors and collectors to complete the assessments of taxes in their respective counties and make returns thereof to the Comptroller of Public Accounts on or before the first day of August, 1870," and House Bill No. 140, to be entitled "An Act to provide for the distribution of the money now in the State treasury which is due to the several counties in the State."

The question being upon the motion of Mr. Cooper to postpone the consideration of the resolution and amendments until September 1, 1870, the yeas and nays were demanded by Messrs. Lacy, Franks and Davis, and resulted as follows:

Yeas—Messrs. Speaker, Abney, Richard Allen, Burley, Burnett, Bonner, Cooper, Cotton, Cole, Dupree, Davis, Franks, Gardiner, Grothaus, George, Johnson, Kendall, Locke, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Robinson, Schlotman, Spencer, Tegener, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller—33.

Nays—Messrs. Austin, Abbott of Austin, H. R. Allen, Becton, Butler, Booty, Chambers, Camp, Cox. Dorris, Ellis, Gaston, Harn, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, McLean, McKee of Fannin, Miller, Moore, of Red River, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Van Noy, Weaver of Johnson, Young, Zapp—44.

So the House refused to postpone the consideration of the resolution and amendments.

The question being upon the amendment to the amendment offered by Mr. Lacy, it was adopted.

The question then being upon the amendment offered by Mr. Young, as amended, it was adopted.

Mr. Franks moved the previous question. Previous question sustained.

Mr. Morrison moved that the House adjourn until ten o'clock A. M. to-morrow.

Upon which the yeas and nays were demanded by Messrs. Robb, Mitchel and Morrison, and resulted as follows:

Yeas—Messrs. Bonner, Cox, Franks, Lacy, Morrison, Mullins, Miller, Robb, Tegener, Young, York, Zoeller—12.

Nays—Messrs. Speaker, Austin, Abney, Abbott of Austin, H. R. Allen, R. Allen, Becton, Butler, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Cole, Camp, Dupree, Davis, Dorris, Ellis, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lane, Leonard, Locke, Lyons, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Moore of Red River, Posey, Pierson, Plumley, Prissick, Ross, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Spencer, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Youngkin, Zapp—64.

So the House refused to adjourn.

The question then recurred, "Shall the main question be now put?"

Upon which the yeas and nays were demanded by Messrs. Schutze, Miller and Pierson, and resulted as follows:

Yeas—Mr. Speaker, Abney, Abbott of Austin, R. Allen, Butler,

Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Cole, Camp, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Grothaus, George, Hamilton, Johnson, Jenkins, Kyle, Kendall, Leonard, Locke, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Medlock, Plumley, Prissick, Schlotman, Shelburne, Spencer, Tegener, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—47.

Nays—Messrs. Austin, H. R. Allen, Becton, Booty, Cox, Gaston, Harn, Haswell, Hawkins, Lacy, Lane, Lyons, Morrison, McLean, McKee of Fannin, Miller, Moore of Red River, Posey, Pierson, Robb, Ross, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Van Noy, Weaver of Johnson—29.

So the main question was ordered.

The main question being upon the adoption of the resolution offered by Mr. Abbott, of Austin, as amended, the yeas and nays were demanded by Messrs. Pierson, Schutze and Franks, and resulted as follows :

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Becton, Burley, Booty, Bonner, Chambers, Cole, Camp, Cox, Ellis, Gaston, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, McLean, McKee of Fannin, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Van Noy, Weaver of Johnson, Young, York—44.

Nays—Messrs. Speaker, Abney, R. Allen, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Johnson, Kendall, Locke, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Schlotman, Shelburne, Spencer, Tegener, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—30.

So the resolution was not adopted; two-thirds of the members present not having voted for the same.

Mr. Locke moved that the House adjourn until ten o'clock A. M. to-morrow, upon which the yeas and nays were demanded by Messrs. Locke, Morrison and Bonner, and resulted as follows :

Yeas—Messrs. Speaker, Abney, R. Allen, Burley, Bonner, Cotton, Cox, Dupree, Davis, Dorris, Gaston, Gardiner, Hamilton, Haswell, Lacy, Leonard, Locke, Lyons, Moore of Harrison, Morris, McLean, Mitchel, Mullins, Medlock, Miller, Pierson, Robb, Robinson, Schlotman, Schutze, Slaughter, Smyth, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp, Zoeller—42.

Nays—Messrs. Austin, H. R. Allen, Abbott of Austin, Becton, Booty, Burnett, Chambers, Cooper, Cole, Camp, Ellis, Franks,

Grothaus, George, Harn, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lane, Morrison, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Posey, Plumley, Prissick, Ross, Simmons, Sinclair, Stirman, Weaver of Johnson, Young---34.

So the House at twelve M. adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 16, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Cox and Tinsley.

On motion of Mr. Burley, the reading of yesterday's journal was dispensed with.

Messrs. Tinsley, Cox and Simmons were excused from attendance on account of sickness.

Mr. Kyle presented a petition from citizens of DeWitt and Karnes counties protesting against abolishing the county of DeWitt and taking from the county of Karnes any territory for the creation of a new county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Dupree presented a petition from citizens of Montgomery county protesting against the taking from the county of Montgomery any territory for the creation of a new county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Harn presented a petition signed by citizens of Grimes county protesting against the taking from the territory of Grimes county any portion of the same to form a new county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Butler moved a suspension of the rules to take from the Speaker's table House Bill No. 149.

Rules suspended, and on motion of Mr. Butler, it was made the special order for 11:30 A. M. to-day.

On motion of Mr. Sinclair, House Bill No. 172, to be entitled "An Act to amend an act approved January 25, 1844, and February 11, 1860, regarding Herman Seminary," was recommitted to Committee on Education.

Mr. Grothaus, Chairman of Committee on Immigration, submitted the following report:

COMMITTEE ROOMS,
AUSTIN, June 15, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Immigration having had under consideration House Bill No. 226, entitled "A Bill for promoting the introduction of immigration from Europe into the State of Texas by

the Mediterranean and Oriental Steam Navigation Company," report the same back and recommend that the bill do not pass.

F. E. GROTHAUS,
Chairman of Committee on Immigration.

Report and bill passed to orders of the day.

Mr. Slaughter, chairman of Committee on Finance, submitted the following report

COMMITTEE ROOM,
Austin, June 16, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Finance, to whom was referred the petition of a number of the citizens of Fannin county asking of this body a prohibition of the sale of ardent spirits within three miles of the corporate limits of Ladonia, and also touching the subject of incorporating said town, have the honor to report that they have considered the same, and deeming it altogether the matter for the Committee on Town and City Corporations, would most respectfully ask its reference to that committee.

SLAUGHTER,
Chairman.

Petition recommitted to Committee on Town and City Corporations.

Also the following report:

COMMITTEE ROOM,
Austin, June 16, 1870.

Honorable IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Finance, to whom was referred the petition of the county court of Montgomery county, asking that the State taxes be remitted to that county for the years of 1870 and 1871, have the honor to report that they have had the same under consideration. The committee have heretofore on similar petitions recommended that no such remittance be made, giving what was supposed to be sufficient reason for such conclusion. If but one or two counties required such remittance, the subject might be more favorably entertained; but the fact that nearly if not quite half the counties of the State are in like condition, and this too when our State government is just moving out in life to battle with fate and misfortune, demands a rigid collection and strict economy. Therefore your committee most respectfully recommend that this petition be not granted.

SLAUGHTER,
Chairman of Committee.

On motion of Mr. Slaughter the petition was laid on the table.

Mr. Slaughter also submitted the following reports:

COMMITTEE ROOM,
Austin, June 16, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred the petition of a number of the citizens of Johnson county, asking permission to levy and collect a special tax, and also the bill authorizing the same, have the honor to report that they have considered the same, and believing it altogether proper such requests be granted when any county desires to tax itself, most respectfully recommend the passage of the bill.

SLAUGHTER,
Chairman.

COMMITTEE ROOMS,
Austin, June 16, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Finance, to whom was referred a bill entitled "An Act to authorize the Governor to procure from the archives of the old Spanish missions the history of this State prior to 1793, and to make appropriations for the same," have the honor to report that they have given the same mature deliberation, and are of opinion that the bill should speedily be passed. The long period during which said Spanish missions controlled this State and gathered information concerning it, of which we have no record, warrants the search proposed, if for no more than the historical facts connected therewith. It is, however, reasonable to suppose that other items of great interest to the State may be developed touching its mineral wealth and other subjects.

SLAUGHTER,
Chairman.

Reports and bills passed to orders of the day.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, June 16, 1870

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to

whom was referred a resolution to change the names of Davis, Hood and Stephens counties, have had the same under consideration, and most respectfully beg leave to make the following report:

That your committee, after hearing all the evidence within their reach, find that the county of Hood was not called in honor of the late rebel General Hood, but in honor of a citizen of Texas who now lives in the county of Hood.

Your committee has no evidence whatever that the citizens of the county of Stephens or Davis, or any portion of them, desire the names of their county changed, and as it would put the citizens to some expense and inconvenience to change their county seal, record books, etc., and without a request from the citizens we do not feel at liberty to interfere with their local matters in changing the name of counties, and believing that the Legislature should not interfere in local matters of this kind without the expressed wish of the citizens directly interested, your committee would therefore most respectfully return the resolution and ask that it be laid on the table, and your committee be discharged from the further consideration of the same.

COOPER, Chairman.

Mr. Sinclair moved that the report be recommitted to the Committee on Counties and County Boundaries. Lost.

Mr. Leonard moved that the resolution reported back by the Committee on Counties and County Boundaries be laid on the table.

The yeas and nays were called for by Messrs. Burnett, Jenkins and Locke, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Burley, Booty, Bonner, Chambers, Cooper, Cole, Ellis, Gaston, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, McKee of Fannin, Millier, Moore of Red River, Pierson, Plumley, Robb, Ross, Smyth, Stirman, Shelburne, Van Noy, Weaver of Johnson, York—34.

Nays—Messrs. H. R. Allen, Richard Allen, Burnett, Cotton, Davis, Dorris, Franks, Gardiner, George, Harn, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—38.

So the House refused to lay the resolution on the table.

Mr. Morrison moved to recommit the report and joint resolution to the Judiciary Committee. Lost.

So the report and joint resolution were passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corpora-

tions, submitted a report which, by his request, was re-committed to the same committee.

Mr. Youngkin, Chairman of Committee on Roads, Bridges and Ferries, submitted a report which, on motion of Mr. Crudup, was re-committed to same committee.

A message was received from the Senate, announcing that that body had passed substitute for Senate bill No. 11, to be entitled "An Act for the relief of the Eastern Texas Railroad Company, and to Authorize it to Branch the same as therein stated," asking the concurrence of the House in the Same.

Bill passed to orders of the day.

Also, Senate enrolled bill No. 81, to be entitled "An Act to Legalize an Ordinance Adopted by the Convention on the Twelfth Day of December, 1868, Authorizing a Special Tax to be Levied for the Waco Tap Railroad Company in Falls and McLennan Counties," which was presented to the Speaker, and signed by him.

Mr. Youngkin, chairman of Committee on Roads and Bridges, submitted the following report:

COMMITTEE ROOM,
Austin, June 15, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 69, entitled "An Act to incorporate the Kaufman County Bridge Company," having had the same under due consideration, beg leave to report back the following amendments: That section three be so amended as to read—

For each additional pair of mules, horses or oxen.....	10	cents.
For each additional horse or mule to single buggy.....	5	"
For each loose horse, mule, jack, or other animal.....	3	"
For each one horse buggy or other carriage.....	25	"
For each head neat cattle.....	3	"

With such amendments your committee would respectfully recommend the passage of the bill.

Respectfully,

YOUNGKIN,
Chairman.

Report and bill passed to orders of the day.

Mr. Stockbridge, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, June 16, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your committee, to whom was referred House bills Nos. 2, 13 and 153, have the honor to report that they have carefully examined and compared the same, and find the same to be correctly engrossed.

Respectfully,
C. J. STOCKBRIDGE,
Chairman of Committee on Engrossed Bills.

Report accepted.

Mr. Robinson introduced a bill to be entitled "An Act to incorporate the Marion county Bayou Navigation Company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Ross introduced a bill to be entitled "An Act to incorporate the town of Cleburne, in Johnson county."

Bill read first time and referred to Committee on Town and City Corporations.

Mr. Schlickum introduced a bill to be entitled "An Act to incorporate the Hebrew Benevolent Society of Brownsville and Matamoras."

Bill read first time and referred to Committee on State Affairs.

Mr. Jenkins introduced a bill to be entitled "An Act to provide for assessment and collection of taxes in unorganized counties."

Bill read first time and referred to Committee on Finance.

Also a bill to be entitled "An Act to amend article 383, chapter three, of Penal Code."

Bill read first time and referred to Judiciary Committee.

Also a bill to be entitled "An Act to provide for District Clerks to act as Notaries Public."

Bill read first time and referred to Judiciary Committee.

The hour having arrived for the consideration of the special order of the day, viz: House bill No. 115, to be entitled "An Act to establish a system of registration," and substitute for the same, on motion of Mr. Plumley it was postponed until eleven o'clock A. M. Saturday.

On motion of Mr. Cooper the special order for the day, under the resolution adopted June 4, was suspended.

Mr. H. R. Allen introduced a bill to be entitled "An Act to exempt the wages of laborers and others from the writ of garnishment."

Bill read first time and referred to Judiciary Committee.

Mr. Camp offered the following resolution:

WHEREAS, The system of taxing established merchants and dealers in dry goods and groceries of all description and grades is being uniformly established; and

Whereas, Many persons and firms living beyond the limits of the State, as well as citizens thereof, are accumulating large fortunes through their commercial travelers or drummers, and paying no revenue to the State; therefore, be it

Resolved, That the Committee on Finance be requested to ingraft in the tax law which is by them being prepared, such rates of license as will equitably correspond with other merchants, to the end that equalization of taxation may be accomplished, and the revenue of the State justly increased thereby.

Resolution read first and second times.

Mr. McLean moved to amend the resolution by striking out the word "ingraft," and to insert in lieu thereof the words, "inquire into the propriety of ingrafting." Amendment adopted.

The question recurring upon the adoption of the resolution offered by Mr. Camp as amended, it was adopted.

Mr. Robb introduced a bill to be entitled "An Act to incorporate the Trinity County Railroad Company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Davis introduced a bill to be entitled "An Act to authorize C. C. DeWitt to construct a bridge across the Guadalupe river, near the town of Gonzales."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Haswell introduced a bill to be entitled "An Act to incorporate the Calvert Bridge Company."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. George introduced a bill to be entitled "An Act granting right of way to the Thirty-fifth Parallel Railroad Company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Lane introduced a bill to be entitled "An Act to provide a summary method for recovering the possession of personal property."

Bill read first time and referred to Judiciary Committee.

On motion of Mr. Cooper the rules were suspended to take from its regular order House bill No. 202, to be entitled "An Act permanently establishing the county seat of Hopkins county."

House bill No. 202 read the second time and ordered to be engrossed and read the third time.

Mr. Plumley moved a suspension of the rules to take from its regular order on the file House Bill No, 32, to be entitled "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

Rules suspended and bill read the second time.

On motion of Mr. Plumley, the bill was ordered to be engrossed and read the third time.

The hour having arrived for the consideration of the special order of the day, set for 11.30 this A. M., which was House Bill No. 149, to be entitled "An Act making an appropriation for the purchase of machinery for the penitentiary, at Huntsville, and improvement of the buildings," it was, on motion of Mr. Burnett, postponed and made the special order for to-morrow at 10.30 A. M.

Mr. Butler moved to adjourn until ten o'clock A. M. to-morrow.

Upon which the yeas and nays were demanded by Messrs. Richard Allen, Zapp and Prissick, and resulted:

Yeas—Messrs. Abbott of Austin, R. Allen, Abbott of Hill, Butler, Crudup, Cole, Camp, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Harn, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kendall, Lacy, Leonard, Locke, Lyons, Morrison, Moore of Harrison, Mullins, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Smyth, Stockbridge, Spencer, Van Noy, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin—43.

Nays—Messrs. Austin, H. R. Allen, Becton, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Gaston, George, Lane, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchell, Medlock, Plumley, Prissick, Slaughter, Stirman, Shelburne, Tegener, Williams of Walker, Zapp, Zoeller.—27.

So the House at 11.40 A. M. adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 17, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Lyons and Tinsley.

On motion of Mr. McKee, of Guadalupe, the reading of yesterday's journal was dispensed with.

On motion of Mr. Camp Mr. Davis was granted ten days' leave of absence from Monday next.

Mr. Tinsley was excused from attendance indefinitely on account of sickness.

Mr. Tegener presented a petition from Fred. Golbeck, justice of the peace, Comal county, asking the Legislature to pass a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Mr. Kyle presented a similar petition, signed by James Smith, T. W. Nolen and C. Goodloe, justices of the peace for Travis county.

Both petitions read and referred to Judiciary Committee.

Mr. Cole presented a petition from citizens of Cook, Denton, Wise and Montague counties, asking for a new county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Morris presented a petition from citizens of Harrison county asking that the laws be so amended that they may be permitted to cross the ferry at Little Cypress Bayou without charge.

Petition read and referred to Committee on Roads, Bridges and Ferries.

Mr. Youngkin presented the memorial of citizens of Gonzales county praying that a charter for a bridge over Guadalupe river be granted to Messrs. Harwood, Belding and Mason, to be constructed at or near the town of Gonzales.

Petition read and referred to Committee on Roads, Bridges and Ferries.

Mr. Hawkins presented a remonstrance from citizens of Woodbury, Hill county, against Aquilla Church.

Remonstrance read and referred to Judiciary Committee.

Mr. McKee, of Guadalupe, presented a petition from citizens of Guadalupe county, protesting against the passage of a law dismembering their county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. McKee also presented a copy of the proceedings of a public meeting of the citizens of Guadalupe county, relative to the same subject, which was referred to the same committee.

On motion of Mr. Moore, of Red River, Mr. Lyons was excused from attendance on account of sickness.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following reports:

COMMITTEE ROOM,
June 16, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House Bill No. 228, entitled "An Act to extend and define the limits of the city of Waco, and for other purposes," having carefully examined said act, would respectfully propose, as an addition to Section 3, to follow the word "chosen," therein contained, the following:

"And all elections for officers shall be governed by the general laws of the State upon elections."

And this addition made, I am instructed to report favorably upon said bill and to recommend its passage.

Very respectfully,

C. D. MORRIS,
Chairman of Committee.

COMMITTEE ROOM,
June 16, 1870.

HON. IRA H. EVANS,
Speaker of House Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred the memorial of the citizens of Wood and Titus counties for the incorporation of the town of Winnsborough, with the articles of incorporation accompanying the same, having carefully examined said articles, would respectfully propose as an addition to the second section, following the word "constable," the following: "and all elections for officers shall be governed by the general laws of the State upon elections."

And would also propose the striking out of the last paragraph of the fifth section, now reading therein as follows:

"*Provided*, That in no case such penalties shall exceed one thousand dollars."

And would also further propose the striking out of the last paragraph of the eighth section, now reading therein as follows:

"And the citizens who reside within such corporation shall be exempt from road duty or road tax, except such as may be imposed upon them by the board of aldermen."

And the above addition made and above clauses stricken out, I am instructed by the committee to report favorably upon said articles of incorporation, and to recommend their passage.

Very respectfully,

C. D. MORRIS,

Chairman of Committee.

Reports and bills passed to orders of the day.

Mr. Abney introduced a bill to be entitled "An Act to amend an act entitled an act to incorporate the Neches Navigation Company, approved November 8, 1866."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Cox offered the following resolution:

WHEREAS, It has come to the knowledge of this House that on or about the ninth of the present month a party of our frontier citizens, to-wit: E. Phelan, J. K. Backues, S. Backues, E. M. Shelby, B. M. Gibson, M. Phillips, J. W. Harrington, E. D. Harrington, Wm. Morison, J. W. Reams, R. Daniels and W. R. Haynes, of Blanco and Llano counties, pursued and overtook a hostile band of savages who had penetrated the settlements and killed one of our citizens and stolen a number of horses, and that this party of citizens gallantly attacked and defeated this band of savages, killing four and capturing the stolen property; therefore, be it

Resolved That in the name of the people of Texas we thank these frontiersmen for their prompt action and gallant conduct in thus administering a severe punishment to these pests and scourgers of our frontier.

Resolution read first and second times, and on motion of Mr. Cox it was adopted.

Mr. Cooper introduced a bill to be entitled "An Act to permit parties defendants to testify in criminal cases."

Bill read first time and referred to Judiciary Committee.

Mr. Hamilton introduced a bill to be entitled "An Act to incorporate the Houston City Street Railway Company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Young introduced a bill to be entitled "An Act to incorporate the Austin Water Power Company."

Bill read first time and referred to Committee on Internal Improvements."

Mr. Stockbridge introduced a bill to be entitled "An Act appointing Mary Harrison a guardian of Martha Harrison, a minor."

Bill read first time and referred to Committee on State Affairs.

Mr. Grothaus introduced a bill to be entitled "An Act to incorporate the Mission Valley Pontoon Bridge Company."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

On motion of Mr. Harn, the rules were suspended to take up out of its regular order a bill to be entitled "An Act creating Peoples county, and providing for the organization of the same."

Bill read first time and on motion of Mr. Harn, it was recommitted to Committee on Counties and County Boundaries.

A message was received from the Senate announcing that that body had passed Senate bill No. 197, to be entitled "An Act prescribing the times of holding the District Court in the several judicial districts in the State," asking the concurrence of the House in the same.

Mr. Burnett moved that the House adjourn until ten o'clock A. M. to-morrow, upon which the yeas and nays were called for by Messrs. Sinclair, Chambers and Cooper, and resulted as follows:

Yeas—Messrs. Abbott of Austin, R. Allen, Abbott of Hill, Butler, Burley, Burnett, Crudup, Cole, Camp, Cox, Dupree, Dorris, Franks, Gaston, Grothaus, Harn, Hamilton, Johnson, Jenkins, Kyle, Kendall, Lacy, Leonard, Locke, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Prissick, Ross, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Smyth, Spencer, Tegener, Van Noy, Williams of Colorado, Young, Youngkin, Zoeller—44.

Nays—Messrs. Austin, Abney, Allen, H. R., Becton, Booty, Bonner, Chambers, Cooper, Cotton, Ellis, Gardiner, George, Haswell, Hawkins, Lane, Morris, McLean, Moore of Red River, Plumley, Robb, Sinclair, Stirman, Shelburne, Williams of Walker, Weaver of Johnson, York, Zapp—27.

So the House adjourned at eleven o'clock A. M.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 18, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. Franks, the reading of yesterday's journal was dispensed with.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following reports:

COMMITTEE ROOM,
Austin, June 17, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: The Judiciary Committee, to whom was referred the bill introduced by Hon. R. Zapp, entitled "An Act to punish persons who sell intoxicating liquors, ammunition and fire-arms to minors," having considered the same, respectfully report it back with a recommendation that it be passed.

Very respectfully,
BURNETT,
Chairman.

COMMITTEE ROOM.
Austin, June 18, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The Judiciary Committee, to whom was referred House bill No. 10, introduced by Hon. F. E. Grothaus, and House bill No. 35, introduced by Hon. A. Dorris, in relation to prohibiting the carrying of deadly weapons, having duly considered the same and the subject of the bills, have the honor to report the accompanying bill as a substitute, to-wit: a bill to be entitled "An Act to suppress the carrying of deadly weapons except in case of self-defense, or lawful defense of the State," which they instruct me to report with a recommendation that it be passed.

Very respectfully,
BURNETT,
Chairman.

COMMITTEE ROOM,
Austin, June 18, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The Judiciary Committee, to whom was referred House bill

No. 85, introduced by Hon. J. H. Miller, to be entitled "An Act to Incorporate the Belton Bridge Company," having examined the same, very respectfully report it back and recommend its passage.

Very respectfully, BURNETT,
Chairman.

COMMITTEE ROOM,
Austin, Texas, June 18, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: The Judiciary Committee, to whom was referred House bill No. 135, introduced by Hon. R. Crudup, to be entitled "An Act to Incorporate the Waco Insurance Company," have carefully examined the same, respectfully report it back, and recommend its passage.

Very respectfully, BURNETT,
Chairman.

Reports and bills passed to orders of the day.

One hundred copies ordered to be printed of substitute for House bills Nos. 37 and 10.

On motion of Mr. Plumley, the special order for this day, viz: the consideration of House bill No. 115, to be entitled "An Act to Establish a System of Registration," and substitute for the same, was postponed until eleven o'clock A. M., Thursday next.

Mr. Locke introduced a bill to be entitled "An Act to Prohibit the Sale of Spirituous Liquors near Union Academy, Oakville, Travis county."

Bill read first time and referred to Committee on Education.

Mr. Locke also introduced the following joint resolution:

JOINT RESOLUTION.

Be it resolved by the Legislature of the State of Texas, That one Winchester carbine be presented to the State Guard to the following persons: L. Pielan, J. K. Dickues, E. Kennedy, B. M. Gibson, M. Phillips, J. W. Harrington, D. E. Harrington, William Morrison, J. W. Jones, R. Daniels and W. R. Haynes, who overtook a hostile band of savages who had penetrated the settlements and killed one of our citizens, and stolen a number of horses, and gallantly attacked and defeated the same, killing four of their number and recovering the stolen property, and they depositing their trophies in the geological room of the Capitol.

Be it further resolved, That the Secretary of State is hereby authorized to purchase the carbines, and the Comptroller is directed

to draw his warrant on the Treasurer for the amount of money necessary to defray the expense, to be paid out of any moneys not otherwise appropriated.

Joint resolution read first time.

On motion of Mr. Camp the rules were suspended to put joint resolution on its second reading.

Joint resolution read second time.

On motion of Mr. Tegener the rule requiring all appropriations to be made by bill was suspended, that an appropriation may be made in this case by joint resolution.

The joint resolution was ordered to be engrossed and read the third time.

Mr. Lane introduced a bill to be entitled "An Act for the relief of the heirs of Alexander Smith, deceased."

Bill read first time and referred to Committee on Private Land Claims.

Mr. Sinclair introduced a bill to be entitled "An Act to provide for the election of Chief Justice when all or a majority of the justices of the peace elect reside at the county seat."

Bill read first time and referred to Judiciary Committee.

Mr. Cooper introduced a bill to be entitled "An Act to amend article 836 of the Code of Criminal Procedure."

Bill read first time and referred to Judiciary Committee.

Mr. Schutze offered the following resolution:

Resolved, That the use of this Hall be granted for the purpose of holding an examination of the pupils of the Institution for the Deaf and Dumb, before the Legislature now in session, at four o'clock P. M., on Monday, the 27th instant.

Resolution read first and second times, and, on motion of Mr. Zoeller, it was adopted.

Mr. Morrison introduced a bill to be entitled "An Act declaring provisional the legislation of the so-called Eleventh Legislature."

Bill read first time and referred to Judiciary Committee.

On motion of Mr. Slaughter the rules were suspended to take up, out of its regular order, Senate Bill No. 41, to be entitled "An Act to confirm the compromises and settlements between the corporation of city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company."

Senate bill No. 41 read the first time.

On motion of Mr. Plumley, the rules were further suspended to put the bill upon its second reading.

Senate bill No. 41 read second time; ordered to be engrossed and read the third time.

On motion of Mr. Schutze, the rules were suspended to take up out of its regular order House bill No. 167, to be entitled "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company."

House bill No. 167 read second time.

On motion of Mr. Plumley, the word "exclusive" was stricken out of section five.

House bill No. 167 was ordered to be engrossed and read the third time.

On motion of Mr. Tegener, the rules were suspended to take up out of its regular order House bill No. 132, to be entitled "An Act to amend an act to incorporate the Fire Association of the city of San Antonio."

House bill No. 132 read the second time; ordered to be engrossed and read the third time.

On motion of Mr. Tegener, the rules were suspended to put the bill on its final passage.

House bill No. 132 read the third time, passed and title agreed to.

A message was received from the Senate transmitting Senate enrolled bill, to be entitled "An Act to prevent cessation of judicial functions and to avoid doubts of the validity of judgments and other regular proceedings of the Supreme, Criminal and District Judges and Courts," which was presented to the Speaker and signed by him.

On motion of Mr. Sinclair, the rules were suspended to take up out of its regular order House bill No. 83, to be entitled "An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin."

House bill No. 83 read the second time.

Mr. Morris moved to amend the amendment offered by the Committee on Town and City Corporations by striking out the word "criminal," and inserting in lieu thereof the word "capital."

Amendment to the amendment adopted.

The question recurring upon the adoption of the amendment as amended, it was adopted.

House bill No. 83, as amended, was ordered to be engrossed and read the third time.

On motion of Mr. Cole, the rules were suspended to take up out of its regular order House bill No. 255, to be entitled "An Act to authorize the Governor to procure from the archives of the old Spanish Missions the history of this State prior to 1793, and to make appropriations for the same."

House bill No. 255 read second time; ordered to be engrossed and read the third time.

The hour having arrived for the consideration of business under resolution adopted June 4, on motion of Mr. Schutze, it was postponed fifteen minutes.

On motion of Mr. Butler, the rule requiring all bills making appropriations to be considered in Committee of the Whole House was suspended.

Mr. Slaughter moved that the rules be suspended to put House bill No. 255 on its third reading and final passage.

Rules suspended; House bill No. 255 read the third time and passed by the following vote:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Butler, Burley, Booty, Bonner, Chambers, Cooper, Cotton, Crudup, Cole, Camp, Davis, Dorris, Ellis, Gardiner, Grothaus, George, Hamilton, Hazwell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Mullins, Medlock, Miller, Moore, of Red River, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Simmons, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—70.

Nays—None.

The title to the bill was agreed to.

By leave Mr. Grothaus, from Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, June 18, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: I am instructed by the Committee on Engrossed Bills to report back House bill No. 163, referred to said committee as correctly engrossed.

F. E. GROTHAUS,
Member Committee Engrossed Bills.

Report accepted.

By leave Mr. Young, Chairman of Committee on Internal Improvements, submitted the following reports:

COMMITTEE ROOM,
Austin, June 18, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was

referred House bill No. 58, entitled "An Act to incorporate the Jefferson Gas Light Company," having carefully examined the same, would respectfully propose as a substitute therefor the accompanying bill and recommend its passage.

Very respectfully,

H. W. YOUNG,
Chairman of Committee.

COMMITTEE ROOM,
Austin, June 18, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House Bill No. 254, entitled "An Act to incorporate the Southern Trans-Continental Railway Company," having carefully examined the same, would respectfully propose, as a substitute therefor, the accompanying bill and recommend its passage.

Very respectfully,
H. W. YOUNG,
Chairman of Committee.

Reports and bills passed to order of the day.

On motion of Mr. Locke, Mr. McKee of Guadalupe was granted leave of absence for six days from Monday next.

House Bill No. 163, to be entitled "An Act to provide for the building of court houses and jails," read the third time.

Mr. Crudup moved that the bill be laid on the table. Lost.

Mr. Slaughter moved the previous question.

Previous question sustained.

The question recurred "Shall the main question be now put?"

Main question ordered.

The main question being on the passage of House Bill No. 163, the yeas and nays were called for by Messrs. Abbott of Hill, Leonard and Lacy, and stood:

Yeas—Messrs. Abney, Abbott of Austin, Butler, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Johnson, Jenkins, Kyle, Kendall, Locke, Lyons, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Tegener, Van Noy, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—45.

Nays—Messrs. Abbott of Hill, Becton, Chambers, Crudup, Cole, Ellis, Gaston, George, Hawkins, Lacy, Lane, Leonard, McLean, Miller, Moore of Red River, Posey, Ross, Stirman, Spencer, Weaver of Johnson, York—21.

So the bill passed and the title was agreed to.

Mr. Miller moved that the House adjourn until ten A. M. Monday next.

The yeas and nays were called for by Messrs. Plumley, Mullins and Medlock, and stood:

Yeas—Messrs. Abney, Abbot of Austin, Allen Richard, Burnett, Crudup, Cox, Dupree, Franks, Hamilton, Jenkins, Kyle, Lacy, Leonard, Lyons, Moore of Harrison, Morris, Mullins, Miller, Posey, Ross, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Spencer, Tegener, Youngkin, Zoeller—29.

Nays—Messrs. Abbott of Hill, Becton, Burley, Booty, Bonner, Chambers, Cooper, Cotton, Cole, Camp, Davis, Dorris, Ellis, Gaston, George, Harn, Hawkins, Johnson, Kendall, Lane, Locke, McLean, McKee of Guadalupe, Mitchel, Medlock, Moore of Red River, Plumley, Prissick, Robinson, Simmons, Stirman, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Zapp—40.

So the House refused to adjourn.

Mr. Abbott, of Austin, moved a call of the House.

Call sustained.

On motion of Mr. Camp the call of the House was suspended.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
June 18, 1870.

To HON. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Enrolled Bills ask leave to report that they have examined a bill entitled "An Act to incorporate the Magnolia Grove Association," and find the same correctly enrolled.

ROBINSON, Chairman.

Report accepted and enrolled bill signed by the Speaker.

Mr. Cooper moved to adjourn until ten o'clock A. M. on Monday next.

Upon which the yeas and nays were demanded by Cole, Chambers and Lane, and resulted thus:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Allen Richard, Burley, Burnett, Cooper, Crudup, Camp, Cox, Dupree, Davis, Gardiner, Grothaus, Harn, Hamilton, Hawkins, Jenkins, Kendall, Lacy, Leonard, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Miller, Moore of Red River, Posey, Pierson, Plumley, Schlickum, Schlotman, Schutze, Sheriff, Smyth, Spencer, Tegener, Van Noy, Williams of Colorado, Youngkin, Zoeller—42.

Nays—Messrs. Abbott of Hill, Becton, Booty, Bonner, Cham-

bers, Cotton, Cole, Dorris, Ellis, Gaston, George, Johnson, Kyle, Lane, Locke, Lyons, McLean, McKee of Fannin, McKee of Guadalupe, Medlock, Prissick, Robinson, Simmons, Sinclair, Stirman, Shelburne, Williams of Walker, Weaver of Johnson, Young, York, Zapp—31.

So the House at 11:30 A. M. adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 20, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absent—Mr. Lyons.

On motion of Mr. Morrison, the reading of the journal of Saturday, June 18, was dispensed with.

Messrs. Grothaus, Richard Allen, Miller and Haswell presented petitions signed by justices of the peace of their respective counties, asking the Legislature to pass a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

The Speaker laid before the House the petition of James Leach clerk of the District Court of Bell county, protesting against the passage of a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Petitions read and referred to Judiciary Committee.

Mr. McLean presented the petition of citizens of Snow Hill, Titus county, praying that the sale of alcoholic spirits be prohibited within one mile of their academy.

Petition read and referred to Committee on Education.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, June 20, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: The Judiciary Committee, to whom was referred Senate Bill No. 188, to be entitled "An Act granting certain real estate to the city of Austin," having duly considered the same, respectfully report: That we find, on investigation, that in 1859 the State of Texas donated the lots named in the bill to the city of Austin for the purposes therein mentioned, and no legislation has since affected the grant, and the effect of the bill, if passed, will only be to confirm the title of the city to the lots upon their complying with the conditions of the grant. Deeming the bill, therefore, as a mere confirmation of a right, and not as a present grant, the committee report the bill back and recommend its passage,

Very respectfully,
BURNETT,
Chairman.

Report and bill passed to orders of the day.

Mr. Johnson was excused from attendance on account of sickness.

Mr. Slaughter, Chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,
June 20, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Finance, to whom was referred the petition of a number of the citizens of Hood county, praying that Jessie and Jacob Nutt (blind) be allowed to retail spirituous liquors without license, have the honor to report that they have given the same careful consideration.

Your committee have invariably recommended, upon satisfactory evidence, that unfortunate persons be assisted by the State by a relief as asked in this instance, and regret that these unfortunates should have requested that which is deemed so unadvisable to grant.

There is scarcely any other legitimate pursuit that does not commend itself more favorably than the one we are asked in this case to exempt from taxation. It is unnecessary to array the evils arising from intemperance, drinking saloons, or grog shops. Say nothing of the home circle broken or mutilated; say nothing of intemperance in general and accepted sense; say nothing of the ruin prevalent from the use of intoxicating liquors to those who are the victims themselves of their folly; but recognize the one truth that five-eighths of the homicides committed in our State are attributable to the grog shop. It is the resting spot, the dwelling, the habitation of those characters that to-day make necessary the passage of a militia bill. In that place is conceived and nurtured assassination and murder; and there also is furnished the nerve to accomplish.

The evils arising from grog shops, and especially in country towns and villages, where no police force is at hand, are too well known. There is concentrated and combined all the evil of a community; and while it may be unwise to abolish them entirely by legislation, your committee is of opinion it would be far more unwise to encourage or in any manner advance them. For these reasons, and many more acknowledged by civilization and unnecessary to give, it is hoped the petition will not be granted.

SLAUGHTER,
Chairman.
L. B. CAMP,
B. S. SHELBURNE,
RICHARD ALLEN,
L. W. COOPER.

On motion of Mr. Slaughter the petition was laid on the table.

Mr. Slaughter also submitted the following report:

COMMITTEE ROOM,
Austin, June 20, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your committee on Finance, to whom was referred the petition of *N. M. Niss*, (blind,) praying to be released from taxation upon his business as a jobber, or hawker, have the honor to report that they have investigated the matter and find the petitioner, as represented, truly an object of charity. They would most respectfully return the following bill and recommend its passage.

SLAUGHTER,
Chairman.

Report and bill passed to orders of the day.

A message was received from the Senate anouncing that the President of the same had signed House bill No. 16, to be entitled "An Act to incorporate the Magnolia Grove Association of Galveston, Texas."

Mr. Franks, Chairman of Committee on Privileges and Elections, submitted the following majority and minority reports:

COMMITTEE ROOM,
Austin, June 20, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred the petition of R. H. C. Shelton, contesting the seat of Hon. M. A. Gaston, representative from the third district, beg leave to submit the following report:

The election out of which this contest arose was held under the reconstruction laws of the Congress of the United States by military authority in the third district, comprising the counties of Houston and Cherokee, commencing November 30 and ending December 3, 1869.

The contestant charges fraud and intimidation; violence and unfairness existed to such an extent as would justify the setting of the election aside in the county of Cherokee, and by resolution of the House adopted May —— it was made the duty of the committee to investigate the charges made and report their action to this body. Both the contestant and sitting member were given ample time to procure all the testimony desired, and on the sixth instant announced themselves ready to proceed with the investigation.

The evidence introduced by the contestant in this case consists of sworn statements of about twenty resident citizens and voters of Cherokee county, to the effect that fraud and deception, violence and intimidation, were practiced by the white Democratic party upon and with the colored Republican voters, thereby securing the election of the sitting Democratic member over the Republican contestant.

The evidence of the sitting member consists of over one hundred depositions and sworn statements of citizens and voters of Cherokee county to the effect that the election in said county was conducted fairly, without disturbance or difficulty, intimidation or fraud, and that the election was as free and fair as any ever held in this State.

Therefore, it is shown that a vast amount of testimony has been adduced before us, all of which has been patiently investigated, and we hope weighed without bias or prejudice in favor of or against either political party,

It may be well to state that each—the sitting member and contestant—were well represented by honest and eminent counsel, in justice to whom it may be said were present during the entire investigation.

And after a careful reading of all the testimony offered, and a thorough examination of every witness produced, and hearing the argument of attorneys for both parties, and duly considered the same, have arrived at the conclusion that there probably was some fraud and intimidation practiced in the county of Cherokee during said election, but no more than was practiced usually at all other elections in this State, and certainly not of sufficient magnitude to warrant us in recommending to the House a resolution declaring the same void.

Furthermore, there is no evidence to prove that if fraud and intimidation were practiced, that the Hon. M. A. Gaston either did or had the same done or encouraged others to do so; therefore we recommend the resolution:

Resolved, That Hon. M. A. Gaston, sitting member from third district, be and is entitled to the seat now occupied by him as Representative.

F. G. FRANKS,
Chairman.
CHAS. W. GARDINER,
JOHN O. AUSTIN,
W. P. McLEAN,
Committee.

COMMITTEE ROOM,
Austin, June 17, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: The undersigned, members of the Committee on Privileges and Elections, have the honor to submit the following report, in the matter of the contested case of R. H. C. Shelton, contestant against M. A. Gaston, contestee, to-wit: That Mr. Gaston received 1,214 votes, and Mr. Shelton 1,066, in the third district, composed of the counties of Houston and Cherokee; that there were fraud and intimidation practiced in the district, especially in Cherokee county, by the friends and supporters of Mr. Gaston, to such an extent as to clearly satisfy us that if there had been a free, fair and honest election Mr. Shelton would have been elected. We have incontestible proof that no loyal organization could have been established in Cherokee county during the late canvass without great danger, and that the loyal men were advised against such organization as unsafe, and none was or has since been effected in that county, and over half the registered colored voters did not attend the election and vote, and out of the number who did vote, we believe half of them were induced through fraud or intimidation to vote for Mr. Gaston and the ticket upon which he was a candidate; whereas, if there had been no such fraud and intimidation, they would have voted for Mr. Shelton and the ticket upon which he was a candidate. In Houston county the election was conducted in a peaceable and fair manner, except on the day before the last of the election, when a crowd of colored men from Augusta beat were followed to the polls by armed white men, and, as we believe from the evidence, several were forced to vote for Mr. Gaston and his ticket against their wishes, but the fraud and intimidation in this county were light compared to the evidences of the same lawlessness in Cherokee. The undersigned are of the opinion that the whole election in Cherokee county was fraudulent, and should be set aside.

A question has been raised as to the eligibility of the contestant on the ground that he had not resided in Cherokee county twelve months next preceding his election, but the proof is that he purchased a homestead in that county over twelve months before the election, paid for it, and intended to remove to it at once, but was delayed over a month by sickness in his family, and then changed his domicile. Should the constitution receive a strict construction, and it be held that this Legislature was elected under it, we still believe that, as Mr. Shelton bought a homestead in Cherokee over twelve months before the election, with the present intention of removing to it, and was prevented from so doing, not by default on his part, that he

ought not to be debarred from the privilege of citizenship. And may it not be doubted whether the constitution should be strictly construed as to this Legislature, owing to the fact that the election was held under the reconstruction laws? And it might be successfully contended that, as Mr. Shelton had been a citizen of his county over twelve months before the Legislature met, he is eligible. He had, before his last removal in the county, resided in that county for years. He was registered as a voter in Rusk county, where he last resided; had never held any office prior to the late rebellion, and we believe him to be eligible, and legally and justly entitled to the seat now held by Mr. Gaston.

We therefore respectfully recommend the adoption of the following resolution:

Very respecfully,
W. J. LOCKE,
JOHN H. MORRISON,
S. MULLEN.

Resolved, That Hon. M. A. Gaston is not entitled to the seat now held by him, as Representative from the Third Senatorial District.

Mr. Burnett moved that the consideration of the reports be postponed until 10:30 A. M., Wednesday next, upon which the yeas and nays were called for by Messrs. Crudup, Moore of Red River, and Burnett, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Becton, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Franks, Gardiner, Grothaus, George, Hamilton, Kendall, Locke, Morrison, Moore of Harrison, Mitchel, Mullins, Medlock, Miller, Posey, Plumley, Prissick, Robb, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Tegener, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp, Zoeller—47.

Nays—Messrs. Austin, Abney, Abbott of Hill, Booty, Chambers, Crudup, Cole, Dorris, Ellis, Haswell, Hawkins, Jenkins, Lacy, Lane, Leonard, Morris, McLean, McKee of Fannin, Moore of Red River, Pierson, Ross, Smyth, Shelburne, Weaver of Johnson—24.

So the consideration of the reports was postponed until 10:30 A. M., Wednesday.

On motion of Mr. Moore, of Red River, Mr. Lyons was excused from attendance the present week on account of sickness.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, June 20, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: I am instructed by your Committee on Engrossed Bills, to whom were referred House Bills Nos. 54 and 202, to report the same back as correctly engrossed.

Respectfully,
STOCKBRIDGE,
Chairman of Committee.

Report accepted.

On motion of Mr. Sinclair the rules were suspended for the consideration of bills on the third reading.

Senate Bill No. 5, to be entitled "An Act authorizing F. A. Vaughn, William Safford and George P. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river near the town of Seguin," read third time, passed, and title agreed to.

Senate Bill No. 41, to be entitled "An Act to confirm the compromises and settlements between the corporation of the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company," read third time, passed, and title agreed to.

House Bill No. 202, to be entitled "An Act permanently establishing the county seat of Hopkins county," read third time and passed by the following vote, the yeas and nays being called for by Messrs. Becton, Hawkins and Abbott of Hill:

Yeas—Messrs. Abney, H. R. Allen, Richard Allen, Burnett, Bonner, Chambers, Cooper, Cotton, Cox, Dupree, Gaston, Gardiner, Grothaus, Hamilton, Haswell, Kendall, Locke, Moore of Harrison, Morris, Mitchel, Medlock, Plumley, Prissick, Robb, Robinson, Schlickum, Sheriff, Slaughter, Stirman, Stockbridge, Tegener, Van Noy, Williams of Walker, Williams of Colorado, York, Zapp, Zoeller—37.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Crudup, Dorris, Ellis, George, Harn, Hawkins, Jenkins, Lacy, Lane, Leonard, McLean, McKee of Fannin, Mullins, Miller, Moore of Red River, Ross, Schlotman, Simmons, Sinclair, Smyth, Shelburne, Spencer, Weaver of Johnson—28.

The title to the bill was agreed to.

House Bill No. 54, to be entitled "An Act for the relief of East Texas Agricultural and Mechanical Association," read third time, passed, and title agreed to.

Mr. Hawkins moved that the House adjourn until 10 o'clock,

A. M., to morrow, upon which the yeas and nays were called for by Messrs. Dorris, Lane and Chambers, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Richard Allen, Abbott of Hill, Becton, Booty, Burnett, Crudup, Dupree, Gardiner, George, Harn, Haswell, Hawkins, Jenkins, Kendall, Lacy, Leonard, Locke, Mullins, Moore of Red River, Schlickum, Sheriff, Stockbridge, Tegener, Van Noy, Weaver of Johnson, Williams of Colorado, York, Zoeller—30.

Nays—Messrs. H. R. Allen, Chambers, Cooper, Cotton, Cox, Dorris, Ellis, Gaston, Hamilton, Kyle, Lane, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Medlock, Plumley, Prissick, Robinson, Schlotman, Sinclair, Smyth, Stirman, Shelburne, Spencer, Williams of Walker, Zapp—28.

So the House at 11:15 A. M. adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 21, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Burley, Crudup and Williams of Walker.

On motion of Mr. Grothaus the reading of yesterdays' journal was dispensed with.

Messrs. Crudup and Williams of Colorado were excused from attendance.

Mr. Camp presented the petition of Hon. A. Bledsoe, Comptroller of Public Accounts, relative to the delay in reporting of the committee appointed by the House to inquire into his public acts.

Petition read and referred to Select Committee to inquire into the official acts of the Comptroller.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOMS,
June 20, 1870.

HON. IRA H. EVANS,
Speaker of the House of Representatives:

I have the honor to inform you that "An Act to Incorporate the Magnolia Grove Association," has this day been presented to the Governor for his approval and signature.

ROBINSON,
Chairman Committee Enrolled Bills.

Report accepted.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
June 21, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

SIR: The Judiciary Committee, to whom was referred the petition of the members of the grand and petit juries of the United States District Court, now in session in this city, (introduced by Hon. W. Sheriff) asking an additional appropriation of five dollars per diem, or as much as the Legislature may deem sufficient, to pay the expenses of the members of the said juries, have duly considered the same and have the honor to report that while we appreciate the services of the grand and petit juries, and believe that their pay as now prescribed by law is entirely inadequate to pay for their

expenses and services, yet we are of opinion that the Legislature is prohibited from making the appropriation asked for by section five, article twelve of the Constitution, the last clause of which reads as follows: "Nor shall the Legislature grant, by appropriation or otherwise, any amount of money out of the treasury of the State, to any individual, on a claim, real or pretended, where the same shall not have been provided for by pre-existing law."

The court in whose service the jurors are engaged is a court of the United States, and it is the duty of the General Government to provide for the ample pay of its jurors. We respectfully suggest that the petitioners lay the matter before Congress, which body, we trust, will grant them such extra pay as their services may entitle them to. We regret that the Legislature cannot legally make the appropriation asked for, otherwise the committee would take pleasure in recommending it.

Under the circumstances the committee feel constrained to report the petition back with a recommendation that it be laid on the table.

Very respectfully,

BURNETT,
Chairman.

Report adopted and petition laid on the table.

Mr. Burnett also submitted the following report:

COMMITTEE ROOMS,
AUSTIN, June 21, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: The Judiciary Committee, to whom was referred House Bill No. 187, entitled "An Act to further regulate the license and practice of attorneys and counsellors at law," and also House Bill No. 188, entitled "An Act to authorize the District Court of Dallas county, and Supreme Court of this State, to license Chas. H. Jenkins, of Dallas county, as an attorney and counsellor at law" (both bills introduced by Hon. J. W. Lane), have duly considered the same, and report the same back with a recommendation that House Bill No. 187 be passed; and that, as this bill provides a general law for the licensing of minors as attorneys and counsellors at law, we recommend that House Bill No. 188, which contemplates a special law for this purpose, be laid on the table.

Very respectfully,

BURNETT,
Chairman.

Report and bill passed to orders of the day.

Mr. Franks, Chairman of Committee on Privileges and Elections, submitted the following report:

COMMITTEE ROOM,
Austin, June 21, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred House resolution, adopted June ——, requiring said committee to investigate the eligibility of Hon. A. F. Leonard, sitting member from twenty-first district, have performed that duty and beg leave to submit the following report:

There was no evidence before said committee proving the ineligibility of said member, but on the contrary it was in evidence that he was clearly eligible under the reconstruction laws of the Congress of the United States and article twelve, section one, of general provisions State constitution; therefore, be it

Resolved, That Hon. A. F. Leonard is clearly eligible under the constitution and entitled to the seat now occupied by him as representative from twenty-first district.

F. G. FRANKS,
Chairman.

Resolution offered by committee read first and second times, and on motion of Mr. Cooper it was adopted and Mr. Leonard declared entitled to his seat.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, June 21, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Engrossed Bills, to whom was referred House bills Nos. 83, 132, 255 and 264, and House joint resolution No. 18, have the honor to report that they have carefully examined and compared the same, and find them correctly engrossed.

Respectfully,
STOCKBRIDGE.
Chairman of Committee.

Report accepted.

Mr. Morris, Chairman of Select Committee to inquire into the number of clerks and employes of the House, submitted the following report:

COMMITTEE ROOM,
Austin, June 20, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Select Committee of Three, raised in pursuance of

joint resolution of June 11, 1870, and directed to ascertain the number of House and committee clerks, and other officers and employes, and whether any committee clerks are serving as such on more than one committee, and to report a system regulating the number and per diem of clerks and employes, ask leave to make the following report:

We have carefully examined into the matters committed to us, and find that the House has now employed twenty-two clerks, at eight dollars per diem. These twenty-two clerks are nine of them in the office of the Chief Clerk of the House, and thirteen of them as committee clerks. We further find that there are twenty other employes of the House employed at per diem ranging from eight down to four dollars. The aggregate per diem of these clerks and employes is two hundred and eighty dollars.

Your committee find that all the employes in the office of the Chief Clerk are necessary, and should be retained. The committees on the Judiciary and Internal Improvements hold daily meetings, and should have the regular services of their clerks. It does not seem that the same necessity exists with the other standing committees of the House. Your committee are also of opinion that the per diem of some of the subordinate employes of the House is larger than is consistent with strict economy.

We therefore respectfully ask leave to report the following resolutions, and recommend their passage:

Resolved, That the committees on the Judiciary and Internal Improvements do retain their clerks, provided said clerks serve as such on all the other committees which meet in their respective committee rooms, and that the services of the other standing committee clerks be dispensed with, provided that the Speaker be empowered to appoint three general clerks, in addition to the three already appointed, who shall do duty at all times as clerks for any of the several standing committees when they may be needed.

Resolved, That the per diem pay of the assistant sergeant-at-arms be hereafter six dollars instead of eight dollars, as at present, and that the per diem pay of the assistant door-keeper be also six dollars instead of eight dollars, as at present, and that the per diem pay of all pages, except the Speaker's page, be hereafter two dollars and fifty cents, instead of four dollars, as at present.

MORRIS, Chairman,
McLEAN,
LOCK.

Mr. Sinclair moved that the resolution reported by the select committee be laid on the table.

Upon which the yeas and nays were called for by Messrs. Locke, Chambers and Schutze, and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, Richard Allen, Butler, Burnett, Cooper, Cotton, Camp, Dupree, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Haswell, Johnson, Kendall, Morrison, Moore of Harrison, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Plumley, Prissick, Robinson, Schlickum, Schutze, Sinclair, Williams of Walker, York, Youngkin, Zoeller —36.

Nays—Messrs. Speaker, Abbott of Hill, Becton, Booty, Bonner, Chambers, Cole, Cox, Ellis, Gaston, George, Hawkins, Kyle, Lane, Leonard, Locke, Morris, McLean, McKee of Fannin, Robb, Ross, Sheriff, Simmons, Smyth, Stirman, Shelburne, Spencer, Tegener, Van Noy, Weaver of Johnson, Young—31.

So the resolution was laid on the table.

Mr. Burnett moved to reconsider the vote laying the resolution on the table.

Mr. Butler moved to lay the motion to reconsider on the table; upon which the yeas and nays were called for by Messrs. Locke, Abbot of Hill, and Chambers, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Butler, Bonner, Cooper, Cotton, Camp, Dupree, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Haswell, Johnson, Kendall, Morrison, Moore of Harrison, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Plumley, Prissick, Robinson, Schlickum, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, York, Youngkin, Zapp, Zoeller—39.

Nays—Messrs. Speaker, Abbott of Hill, Becton, Booty, Burnett, Chambers, Cole, Cox, Ellis, Gaston, George, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Morris, McLean, McKee of Fannin, Robb, Ross, Simmons, Smyth, Stirman, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Young—33.

So the motion to reconsider was laid on the table.

Mr. Plumley, chairman of special committee on registration bill, submitted the following report:

COMMITTEE ROOM,
June 21, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives
of the State of Texas:

SIR: Your special committee, to whom was referred House bill No. 115, entitled "An Act to provide for the registration of voters, and for the manner and mode of conducting elections," etc., beg

leave to report the accompanying bill as a substitute for so much of House bill No. 115 as relates to registration, and recommend the adoption of the substitute and the passage of the same.

Respectfully,

PLUMLEY,
Chairman of Select Committee.

Report and bill passed to orders of the day.

Mr. Morris introduced a bill to be entitled "An Act authorizing the Commissioner of the General Land Office to issue a patent for certain lands."

Bill read first time and referred to Committee on Private Land Claims.

Also, a bill to be entitled "An Act to incorporate the Western Narrow Gauge Railway Company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Robinson offered the following resolution:

Resolved, That the Committee on Privileges and Elections is hereby instructed to inquire into the eligibility of R. H. C. Shelton, who is contesting the seat now held on this floor by Hon. M. A. Gaston, and report the facts to this House without delay.

Resolution read first and second times.

Mr. Slaughter moved that the resolution be rejected. Lost.

The question recurring on the adoption of the resolution, it was adopted.

Mr. Franks offered the following resolution:

Resolved, That the evidence in the case of R. H. C. Shelton against Hon. M. A. Gaston be printed and laid upon desks of the members.

Resolution read first and second times.

Mr. Burnett moved that the resolution be referred to Committee on Privileges and Elections.

Mr. Chambers moved a call of the House.

Call sustained.

Absentees—Messrs. Austin, Gaston, Robb, Moore of Red River, Schlotman, Youngkin and Zapp.

Mr. Austin was excused from attendance on account of sickness.

On motion of Mr. Butler, the call of the House was suspended.

The question being upon referring the resolution offered by Mr. Franks to Committee on Privileges and Elections, it was so referred.

Mr. Sinclair introduced a bill to be entitled "An Act to incorporate the Galveston Building Association."

Bill read first time, and referred to Committee on Commerce and Manufactures.

Mr. Sinclair moved a suspension of the rules to take up out of its regular order House Bill No. 75.

Rules not suspended.

Mr. Plumley introduced a bill to be entitled "An Act to authorize the Fire Engine, Hook and Ladder, and Hose Companies of the city of Galveston to increase the number of the men in each company."

Bill read first time, and referred to Committee on State Affairs.

The hour having arrived for the consideration of the special order of the day, viz: House Bill No. 115, to be entitled "An Act to establish a system of registration," and substitute therefor, on motion of Mr. Slaughter it was postponed and made the special order for Thursday next at 11 o'clock, A. M.

On motion of Mr. Plumley leave of absence was granted Mr. Sinclair for ten days.

Mr. Slaughter moved that the House adjourn until 10 o'clock A. M. to-morrow.

Upon which the yeas and nays were called for by Messrs. Lane, Stirman and McKee of Fannin, and resulted as follows:

Yeas—Messrs. Allen H. R., Allen Richard, Abbott of Hill, Becton, Butler, Burley, Booty, Burnett, Camp, Cox, Dupree, Franks, Gardiner, Harn, Hamilton, Hawkins, Jenkins, Kendall, Lacy, Leonard, Locke, Morrison, Mullins, Miller, Moore of Red River, Prissick, Ross, Schutze, Sheriff, Slaughter, Smyth, Stockbridge, Spencer, Van Noy, Youngkin—35.

Nays—Messrs. Abney, Abbott of Austin, Bonner, Chambers, Cooper, Cotton, Dorris, Ellis, Gaston, Grothaus, George, Haswell, Johnson, Kyle, Lane, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Medlock, Plumley, Robb, Robinson, Schlickum, Simmons, Stirman, Shelburne, Tegener, Williams of Walker, Weaver of Johnson, Young, York, Zoeller—34.

So the House adjourned at 11:15 A. M.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 22, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Williams of Colorado and Austin.

Messrs. Williams of Colorado and Austin were excused from attendance on account of sickness.

Mr. Franks moved that the reading of yesterday's journal be dispensed with. Lost.

Journal of yesterday read and adopted.

Mr. Chambers presented the petition of R. J. Rowe for relief.

Petition read and referred to Committee on Finance.

Mr. Crudup presented a petition signed by justices of the peace of McLennan county, asking the Legislature to pass a law conferring upon justices of the peace exclusively the power of taking acknowledgements, etc.

Petition read and referred to Judiciary Committee.

The Speaker laid before the House a communication from the Comptroller and State Treasurer, asking an appropriation of $1,500 for repairs of treasury building.

Communication read and referred to Committee on Public Buildings and Grounds.

Mr. Plumley presented a petition of the police court of Brazoria county, relating to taxes in said county.

Petition read and referred to Judiciary Committee.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following reports:

COMMITTEE ROOM,
Austin, June 21, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: The Committee on Judiciary, to whom was referred House bill No. 196, entitled "An Act to incorporate the Excelsior Real Estate and Building Association," ask leave to report that they have had the same under consideration, and return the same with the recommendation that it be passed.

BURNETT,
Chairman.

COMMITTEE ROOMS,
June 21, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 233, entitled "An Act to incorporate the Indianola Hook and Ladder Company No. 1 of the city of Indianola," ask leave to make report that they have had the same under consideration and report it back to the House with a recommendation that it be passed.

BURNETT,
Chairman.

Reports and bills passed to orders of the day.

Mr. Young, Chairman of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
Austin, June 18, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was re erred a bill entitled "An Act to incorporate the Trinity River Navigation Company," having carefully examined the same, would respectfully propose as an addition to section five the following, viz:

"And provided further, that said company shall not be authorized to collect any toll or tonnage from vessels passing over any portion of said river, which shall not have been improved in accordance with the provisions of this act by said company, and examined and approved by the officer whose appointment is provided for in section fifteen of this act."

And would further propose, as an amendment to section eight, that the time of forfeiture of shares for non-payment be fixed at sixty instead of thirty days; and as an amendment to section fifteen that it shall be the duty of the State Engineer to examine and report upon the work done by said company; or, in case such office shall not exist or be created, that then the examination and report required to be made shall be made by any person or persons whom the Governor may appoint for that purpose.

Very respectfully,

H. W. YOUNG,
Chairman of Committee.

Report and bill passed to orders of the day.

Mr. Locke, Chairman of Committee on Agriculture and Stock Raising, submitted the following report:

COMMITTEE ROOM,
Austin, June 22, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom was referred House Bill No. 147, have had the same under consideration, and report the same back with a substitute, and respectfully recommend the passage of the substitute.

Very respectfully,
W. J. LOCKE,
Chairman Committee on Agriculture and Stock Raising.

Report, bill and substitute therefor, passed to orders of the day.

One hundred copies of substitute ordered printed.

Mr. Abney, Chairman of Committee on Private Land Claims, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, Texas, June 22, 1870.

To Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 293, entitled "An Act authorizing the Commissioner of the General Land Office to issue a patent for certain lands," have had the same under consideration, and herewith report the same back, and recommend its passage without amendments.

Very respectfully,
ABNEY,
Chairman.

COMMITTEE ROOM,
June 22, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House Bill No. 240, entitled "a bill for the relief of the heirs of Anson Jones, deceased," have had the same under consideration, and have taken such evidence as was accessible to your committee. From the evidence it appears that Anson Jones received in his lifetime a deed to a certain half league of land from one John Elkins, which land, it appears, was never owned by the said Elkins, and that the said Anson Jones thereby suffered loss; but inasmuch as the State of Texas does not propose to make good such deficiency in land title, we do not think it prudent or wise to make the precedent

by granting the relief prayed for; the bill is therefore reported back with a recommendation that it do not pass.

ABNEY,
Chairman.

Reports and bills passed to orders of the day.

On motion of Mr. Locke, the rules were suspended to take up out of its regular order House bill No. 254, to be entitled "An Act to incorporate the Southern Trans-Continental Railway Company."

House bill No. 254 read the second time.

The hour having arrived for the consideration of the special order of the day, viz., the report of the Committee on Privileges and Elections, in the contested election case of Shelton vs. Gaston, on motion of Mr. Young it was postponed for 25 minutes.

Substitute for House bill No. 254, reported by Committee on Internal Improvements, was then read and adopted.

On motion of Mr. Camp, substitute for House bill No. 254 was ordered to be engrossed, and read the third time.

On motion of Mr. Camp, the rules were further suspended to put substitute for House bill No. 254 on its final passage.

Substitute for House Bill No. 254 read the third time.

The hour having arrived for the consideration of the special order of the day, Mr. Locke moved that it be further postponed for fifteen minutes; upon which the yeas and nays were called for by Messrs. Schutze, Pierson and Van Noy, and resulted as follows:

Yeas—Messrs. R. Allen, Becton, Booty, Burnett, Chambers, Cole, Camp, Dupree, Dorris, Franks, Grothaus, George, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Manning, Morrison, Moore of Harrison, Morris, McLean, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Robb, Robinson, Schlotman, Stockbridge, Tegener, Williams of Walker, Young, York, Youngkin, Zapp, Zoeller--41.

Nays—Messrs. Abney, Abbott of Austin, Burley, Bonner, Cooper, Cotton, Ellis, Gaston, Harn, Haswell, Hawkins, Mitchel, Miller, Posey, Pierson, Schlickum, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Spencer, Van Noy, Weaver of Johnson--25.

So the special order was not postponed, two-thirds of the members present not having voted for the same.

Mr. Pierson moved that the House adjourn until 10 o'clock A. M., to-morrow, upon which the yeas and nays were called for by Messrs. Cooper, Franks and Van Noy, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Harn, Hawkins, Lacy, Morris, Miller, Pierson, Robb, Schlickum, Schlotman, Schutze, Sheriff, Stockbridge—14.

Nays—Messrs. Abney, R. Allen, Becton, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Cole, Camp, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hamilton, Haswell, Jenkins, Kyle, Kendall, Lane, Leonard, Locke, Manning, Morrison, Moore of Harrison, McLean, McKee of Fannin, Mitchel, Mullins, Medlock, Moore of Red River, Posey, Plumley, Prissick, Ross, Simmons, Smyth, Stirman, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Young, York, Youngkin, Zapp, Zoeller—54.

So the House refused to adjourn.

Mr. Morrison offered the following resolution:

WHERAS, It appears that R. H. C. Shelton, contestant of the seat of M. A. Gaston, is ineligible to a seat in this body; therefore, be it

Resolved, That the Committee on Privileges and Elections are discharged from any further consideration of the contested case of Shelton vs. Gaston, and that the reports of said committee in reference to said contested case be laid on the table.

Resolved, That Hon. M. A. Gaston is entitled to his seat in this House.

Resolution read first and second times, and on motion of Mr. Locke it was adopted and Mr. Gaston declared entitled to his seat.

A message was received from the Senate announcing that that body had passed House bill No. 29, to be entitled "An Act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense."

On motion of Mr. Burnett House bills Nos. 10 and 35 were laid on the table.

Bill reported by Judiciary Committee to be entitled "An Act to suppress the carrying of deadly weapons, except in cases of self defense or lawful defense of the State," read first time.

On motion of Mr. Cooper the rule was suspended to put the bill on its second reading.

House bill No. 297, to be entitled "An Act to suppress the carrying of deadly weapons, except in cases of self defense or lawful defense of the State," read second time.

On motion of Mr. Camp, the further consideration of the bill was postponed and made the special order of the day for Saturday next at eleven o'clock, A. M.

On motion of Mr. Plumley, the rules were suspended to take up the business on the Speaker's table.

House Joint Resolution No. 18, authorizing the Secretary of State to purchase one Winchester carbine for each of the persons

who overtook and killed four of a band of hostile Indians, read third time and passed by the following vote:

Yeas—Messrs. Abbott of Austin, R. Allen, Abbott of Hill, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Cole, Camp, Cox, Dupree, Dorris, George, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robb, Schlickum, Schlotman, Sheriff, Simmons, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Williams of Walker, Weaver of Johnson, Young, York, Youngkin, Zapp, Zoeller.—58.

Nay—Mr. Van Noy—1.

House bill No. 83, to be entitled, "An Act to incorporate the Washington Fire Engine Company, No. 1, of the City of Austin," read third time, passed, and title agreed to.

By leave of the House Mr. Morrison offered the following resolution:

WHEREAS, The House has, up to this time, neglected to elect a chaplain for the same; and

Whereas, It is a time honored custom for the House of Representatives to have a chaplain during its session; therefore, be it

Resolved, That the House do now proceed to the election of a chaplain.

Resolution read first and second times.

Mr. Slaughter moved that the resolution be laid on the table.

The yeas and nays were called for by Messrs. Cooper, Morrison and Youngkin, and upon the roll being called it was found there was not a quorum present.

On motion of Mr. Robinson the House adjourned at 12:15 P. M.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 23, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absent—Mr. Robb.

Mr. Chambers moved that the reading of yesterday's journal be dispensed with. Lost.

Journal of yesterday read and adopted.

A message was received from the Senate, asking the signature of the Speaker to Senate enrolled bill No. 5, to be entitled, "An Act authorizing F. A. Vaughn, William Safford and George P. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river, near the town of Seguin;" and, also, Senate enrolled bill No. 41, to be entitled, "An Act to confirm the compromises and settlements between the corporation of the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company."

The enrolled bills were presented to the Speaker and signed by him.

Mr. Schutze, Chairman of Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM,
Austin, Texas, June 22, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 270, entitled, "An Act to incorporate the Hebrew Benevolent Society of Brownsville and Matamoros," have had the same under consideration, and recommend that it pass with the following amendments:

Strike out the words "and Matamoros, Mexico," wherever found in said bill, so as to name said society the "Hebrew Benevolent Society of Brownsville, Texas."

Very respectfully,
JULIUS SCHUTZE,
Chairman.

COMMITTEE ROOM,
Austin, June 22, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred

House bill No. 160, entitled "An Act requiring the Comptroller of Public Accounts to audit the public debt of the State of Texas," beg leave to report that they are fully convinced of the necessity of the measures enacted in said bill, and recommend its passage.

Very respectfully,

JULIUS SCHUTZE,
Chairman.

COMMITTEE ROOM,
Austin, June 22, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred "An Act to prohibit the sale of intoxicating liquor in the vicinity of the town of Scyene, Dallas county, Texas," have duly considered the same, and recommend that it do not pass.

Very respectfully,

JULIUS SCHUTZE,
Chairman.

COMMITTEE ROOM,
Austin, June 22, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred a bill entitled "An Act to authorize the fire engine, hook and ladder and hose companies of the city of Galveston to increase the number of men in each company," have duly considered the same, and beg leave to report it back with the recommendation that it pass.

Very respectfully,

JULIUS SCHUTZE,
Chairman.

Reports and bills passed to orders of the day.

Mr. Schutze also submitted the following report:

COMMITTEE ROOM,
Austin, June 22, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred a petition from Thomas Jordan, praying your honorable body for an appropriation of $400, etc., have carefully examined the same and beg leave to report that the committee are of the opinion that the above case is already covered by a pension bill now pending by

your honorable body, and recommend that said petition be not granted. Very respectfully,

JULIUS SCHUTZE,
Chairman.

On motion of Mr. Schutze the petition was laid on the table.

Mr. Camp, Chairman of Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,
Austin, June 23, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 133, as well as accompanying petition, have had the same under consideration, and most respectfully beg leave to make the following report:

That after a thorough examination, and hearing all the evidence, herewith return the bill and ask that it do pass.

L. B. CAMP,
Chairman.

Report and bill passed to orders of the day.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, June 23, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was re-committed House bill, petition and remonstrances in regard to the creation of the county of Peebles, have had the same under consideration, and after hearing all that was to be said for and against the creation of said new county, a majority of your committee most respectfully ask to make the following report:

That while many citizens of the territory that would compose said new county desire it, believing their actual necessities demand it, there are other citizens who oppose it, therefore your committee herewith returns said bill and all the papers pertaining to the same, and ask that further action be indefinitely postponed, and your committee be discharged from any further consideration of it.

COOPER,
Chairman.
HARN,
DUPREE,
F. KYLE,
W. H. BONNER.

Report and bill passed to orders of the day.

Mr. Youngkin, Chairman of Committee on Roads, Bridges and Ferries, submitted the following report:

COMMITTEE ROOM,
June 22, 1870.

HON. IRA H. EVANS,
Speaker of House Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 198, entitled "An Act to incorporate the Austin Bridge Company, and to authorize John E. Gowen, C. H. Foster, B. H. Davis and Thomas B. Hunt to construct a bridge across the Colorado river," having had the same under consideration, beg leave to report back the same.

Respectfully,

YOUNGKIN,
Chairman.

By leave of the House, Mr. Plumley was permitted to withdraw the bill just reported.

Mr. Youngkin also submitted the following reports:

COMMITTEE ROOM,
Austin, June 22, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 266, entitled, "An Act to incorporate the Dallas Wire Suspension Bridge Company," having had the same under consideration, beg leave to report back the same, with the recommendation that it do pass. Respectfully,

YOUNGKIN,
Chairman.

COMMITTEE ROOM,
Austin, June 22, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was eferred House bill No 241, entitled, "An Act to authorize he construction of a plank road from Jefferson city to Lake City Factory," having had the same under consideration, beg leave to report back the same, with the recommendation that it do not pass.

Respectfully,

YOUNGKIN,
Chairman.

COMMITTEE ROOM,
Austin, June 22, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill 286, entitled, "An Act to incorporate the Mission Valley Pontoon Bridge Company," having had the same under consideration, beg leave to report back the following amendments:

That section four be so amended as to read, "that no ferry or bridge shall be established within three miles of said bridge," and that in case of high water, or when the bridge may become impassable, "that said company be and are required to keep a ferry boat, for the purpose of crossing the public, until said bridge shall become passable."

With such amendments your committee recommend the passage of the bill. Respectfully,

YOUNGKIN,
Chairman Committee.

COMMITTEE ROOM,
Austin, June 22, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill 277, entitled, "An Act to incorporate the Calvert Bridge Company," having had the same under consideration, beg leave to report back the following amendments:

That section two be so amended as to read: "The gates thereof shall be closed until the bridge is repaired and in good order."

That section five be so amended as to read: "That no person shall be allowed to erect a bridge or keep ferry within three miles of said bridge, and that said company shall keep a ferry boat until said bridge is put in good order."

With such amendments your committee would respectfully recommend the passage of the bill. Respectfully,

YOUNGKIN,
Chairman Roads, Bridges and Ferries.

COMMITTEE ROOM,
Austin, June 22, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom

was referred House bill 175, entitled "An Act to incorporate the Colorado Bridge Company," having had the same under consideration, beg leave to report back the following amendments:

That section seven be so amended as to read, "for every four-horse ambulance, $1.25;" that section three be so amended as to read, "that said bridge shall be completed within three years from and after passage of act."

With such amendments, your committee recommend the passage of the bill. Very respectfully,

YOUNGKIN, Chairman.

Reports and bills passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, June 23, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills having carefully examined House bill No. 32, have the honor to report back the same as correctly engrossed. Very respectfully,

STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Schutze, Chairman of Committee on State Affairs, also submitted the following report:

COMMITTEE ROOM,
June 22, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred a petition from citizens of Ruthersville, Fayette county, praying your honorable body to repeal an act to prevent the sale of intoxicating drinks within the limits of the league of land, in Fayette county, granted to Franklin Lewis, on which the town of Ruthersville is situated, respectfully beg leave to report the same back and recommend the passage of the accompanying bill.

Very respectfully,

JULIUS SCHUTZE, Chairman.

Mr. Schutze moved a suspension of the rules for the consideration of the bill just reported.

Rules not suspended.

Report and bill passed to orders of the day.

Mr. Young rose to a question of privilege and read the following from the Houston Times, dated June 21, under the head of special:

"H. W. Young, Chairman of the Internal Improvements Committee, in the House, has been indicted for perjury."

Mr. Young said the statement was false.

Mr. Abney moved that Mr. F. A. Gearing, correspondent of the Houston Times, be excluded from the privilege of a seat on the floor or in the galleries of the House.

Mr. Butler moved the previous question.

Previous question seconded.

The question recurring, "Shall the main question be now put?"

The yeas and nays were called for by Messrs. Ellis, Miller and Smyth, and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Stockbridge, Tegener, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—46.

Nays—Messrs. Austin, Abbott of Hill, Booty, Chambers, Cole, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Moore of Red River, Posey, Pierson, Ross, Simmons, Slaughter, Stirman, Shelburne, Spencer, Weaver of Johnson—25.

So the main question was ordered.

A message was received from the Senate announcing that that body had passed House bill No. 2, to be entitled "An Act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas."

The question then recurred on the adoption of the motion of Mr. Abney.

The yeas and nays were called for by Messrs. Pierson, Jenkins and Smyth, and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, R. Allen, Butler, Burley, Burnett, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Dorris, Franks, Gadiner, Grothaus, George, Harn, Hamilton, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Shelburne, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—49.

Nays—Messrs. Austin, Abbott of Hill, Booty, Bonner, Cham-

bers, Cole, Ellis, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Moore of Red River, Posey, Pierson, Simmons, Smyth, Stirman, Spencer—21.

So it was ordered that Mr. Gearing be excluded from a seat on the floor or in the galleries of this House.

By leave of the House, Mr. Miller, having been without the bar of the House when the question was put, was allowed to record his vote on the motion just carried. Mr. Miller voted, no.

Mr. Schutze rose to a question of privilege, and read the following from the Houston Union of the twenty-first instant:

"'Luke,' Schutze, Flake and Longley are all down on Governor Davis and his friends, and Speaker Evans and his friends. Loughery, Logan and Webb all follow on the same trail."

Mr. Schutze said the statement that he was down on Governor Davis and Speaker Evans and their respective friends was false.

Mr. Locke introduced a bill to be entitled "An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas."

Bill read first time.

On motion of Mr. Locke the rules were suspended to put the bill on its second reading.

House bill No. 298, to be entitled "An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas," read second time; ordered to be engrossed and read the third time.

Mr. Slaughter introduced a bill to be entitled "An Act making an appropriation for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiency incurred in the support of the State government for the fiscal year ending August 31, 1870."

Bill read first time and referred to Committee on Finance.

The hour having arrived for the consideration of the special order of the day, to-wit: House bill No. 115, to be entitled "An Act to establish a system of registration," and substitute therefor, on motion of Mr. Morrison it was postponed for one hour.

Mr. Cooper introduced a bill to be entitled "An Act to regulate the estraying of stock."

Bill read first time and referred to Committee on Agriculture and Stock Raising.

Mr. Chambers introduced a bill to be entitled "An Act making appropriation for the payment of the agents of the Alabama, Coshattee and Muscogee tribes of Indians."

Bill read first time and referred to Committee on Finance.

Mr. Plumley introduced a bill to be entitled "An Act to incor-

porate the Washington County Banking and Insurance Company."

Bill read first time and referred to Committee on Commerce and Manufactures.

Also a bill to be entitled "An Act authorizing the Police Court of Brazoria county to levy a special tax."

Bill read first time and referred to Judiciary Committee.

Mr. Crudup introduced a bill to be entitled "An Act to incorporate the Waco City Cemetery Association."

Bill read first time and referred to Committee on Town and City Corporations.

Mr. Hamilton introduced a bill to be entitled "An Act to provide for persons settling on public lands."

Bill read first time and referred to Committee on Public Lands and Land Office."

Mr. Morris introduced a bill to be entitled "An Act to amend an act entitled an act incorporating the city of Jefferson in Marion county, approved September 11, 1866."

Bill read first time and referred to Committee on Town and City Corporations.

Also, the following resolution:

Resolved, That the Committee on State Affairs be instructed to consider the expediency of a sale of a part of the North-western unsettled domain of the State to the United States, as suggested by the Governor in his message, and to report by bill or resolution.

Resolution read first and second times, and on motion of Mr. Grothaus it was adopted.

Mr. Dupree introduced a bill to be entitled "An Act for the sale of certain railroads in Texas."

Bill read first time, and referred to Committee on Internal Improvements.

Mr. Hawkins introduced a bill to be entitled "An Act to prescribe the duties of assessors and collectors and of sheriffs in certain cases."

Bill read first time, and referred to Judiciary Committee.

Mr. Richard Allen introduced a bill to be entitled "An Act to incorporate the Gregory Institute of Harris county."

Bill read first time, and referred to Committee on Education.

Also, a bill to be entitled "An Act to incorporate the Mutual Aid Society of the city of Houston."

Bill read first time, and referred to Committee on State Affairs.

Mr. Prissick introduced a bill to be entitled "An Act regulating the verdict of jurors in civil cases."

Bill read first time, and referred to Judiciary Committee.

By leave, Mr. Camp presented a communication from the Commissioner of the Land Office, asking that the salary of the patent

and recording clerks be increased to $1500 each per annum, and that he be authorized to employ the transcribing of certain records.

Communication read and referred to Committee on Public Lands and Land Office.

Mr. Grothaus introduced a bill to be entitled "An Act to regulate the raising of sheep in certain counties."

Bill read first time, and referred to Committee on Agriculture and Stock Raising.

By permission, Mr. Sheriff presented the petition of justices of the peace of Fort Bend county, asking that the Legislature pass a law confering upon justices of the peace exclusively the power of taking acknowledgments, &c.

Petition read and referred to Judiciary Committee.

Mr. Cole introduced a bill to be entitled "An Act incorporating Johnson's Point Male and Female High School."

Bill read first time and referred to Committee on Education.

Mr. Cooper moved a suspension of the rules to take up out of the regular order a bill to be entitled "An Act to prohibit the sale of intoxicating liquors within five miles of Pennington College, Trinity county, Texas."

Rules suspended.

Mr. Schutze moved a call of the House. Call sustained.

Absent—Mr. Robb.

On motion of Mr. Locke, the Sergeant-at-Arms was dispatched for the absentee.

On motion of Mr. McLean, Mr. Robb was excused from attendance for three days.

Mr. Crudup was excused from attendance.

On motion Mr. Butler, the call of the House was suspended.

Mr. Slaughter raised the point of order that the call of the House could not be suspended when fifteen members voted against the same.

The hour having arrived for the consideration of the special order of the day, on motion of Mr. Posey it was postponed fifteen minutes.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
June 23, 1870.

To HON. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Enrolled Bills direct me to report that they have examined "An Act to provide for the enrollment of the

militia, the organization and discipline of the State Guards and for the public defense," and find the same correctly enrolled.

W. G. ROBINSON, Chairman.

COMMITTEE ROOM,
June 23, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Enrolled Bills instruct me to report that they have carefully examined "An Act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas," and find the same correctly enrolled.

ROBINSON, Chairman.

Reports accepted.

The Speaker ruled the point of order made by Mr. Slaughter not well taken.

Messrs. Slaughter and Abney appealed from the decision of the Speaker.

Mr. Butler gave notice that he would offer an amendment to the rule relative to the call of the House.

Mr. Morrison moved to lay the appeal on the table, upon which the yeas and nays were demanded by Messrs. Slaughter, Schutze and Robinson.

Pending the vote, the hour arrived for the consideration of the special order of the day, viz: House bill No. 115, to be entitled "An Act to establish a system of registration," and substitute therefor.

On motion of Mr. Plumley, the House resolved itself into Committee of the Whole for consideration of the same.

[Mr. Plumley in the chair.]

12:30, P. M.

[House resumed.]

A message was received from the Senate announcing that the President of the same had signed in open session enrolled House bill No. 29, to be entitled "An Act to provide for the enrollment of the militia, the organization and discipline of the State Guards and for the public defense," and enrolled House bill No. 2, to be entitled "An Act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas."

Also that the Senate had passed House bill No. 12, to be entitled "An Act to incorporate the Island City Real Estate and Homestead Association."

[Committee of the Whole resumed.]

ONE O'CLOCK P. M.

Committee rose; the Chairman reported that the committee recommended the adoption of the substitute in place of House Bill No. 115, with the following amendment:

In line five, section twenty-four, add after the word "provided," the words "in section twenty-five of this act, and shall be subject to all the penalties imposed upon offenders against the provisions of said section twenty-five;" and that the committee be discharged.

Report accepted and committee discharged.

Mr. McLean moved to amend section three, line three, by striking out the word "cause" and inserting in lieu thereof the words "neglect or abuse of the duties of his office."

On motion of Mr. Butler the amendment was laid on the table.

Mr. McLean moved to amend section twelve, line eleven, by striking out the word "loyalty" and inserting in lieu thereof the word "allegiance."

Mr. Morrison moved to lay the amendment on the table, upon which the yeas and nays were demanded by Messrs. Morrison, Miller and Chambers, and resulted as follows:

Yeas—Messrs. R. Allen, Burley, Burnett, Cooper, Cotton, Camp, Dupree, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Kendall, Locke, Morrison, Moore of Harrison, Mitchel, Mullins, Medlock, Plumley, Prissick, Schlotman, Sheriff, Slaughter, Stockbridge, Tegener, Van Noy, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—35.

Nays—Messrs. Abney, H. R. Allen, Abbot of Hill, Becton, Booty, Bonner, Chambers, Cox, Ellis, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Fannin, Miller, Moore of Red River, Posey, Pierson, Ross, Schutze, Simmons, Smythe, Stirman, Weaver of Johnson, York—29.

So the amendment was laid on the table.

Mr. McLean moved to amend section thirteen, line two, by striking out the words "satisfy him," and inserting in lieu thereof the word "prove."

Mr. Burnett moved the previous question.

Previous question seconded.

The question then recurred, "Shall the main question be now put?"

The main question was ordered.

The main question being upon the adoption of the amendment offered by Mr. McLean. It was adopted.

The question then being upon the amendment reported by the Committee of the Whole. It was adopted.

On motion of Mr. Plumley, the substitute as amended was adopted, in lieu of House bill No. 115, and it was ordered to be engrossed and read the third time.

On motion of Mr. Burnett, the House at 1:20 o'clock P. M. adjourned until ten o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 24, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Mr. Burley moved that the reading of yesterday's journal be dispensed with. Lost.

Journal of yesterday read and adopted.

Mr. Dupree presented the petition of John M. Lewis, justice of the peace of Montgomery county, asking that the Legislature pass a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Messrs. Locke and Zoeller presented petitions of clerks of the District Court of Bexar, Kendall and Comal counties protesting against the passage of a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Mr. Schutze presented the petition of B. Trigg, District Attorney, for relief.

Petitions read and referred to Judiciary Committee.

Mr. Medlock presented a petition, signed by himself, asking the incorporation of the town of Springfield, Limestone, county, Texas.

Petition read and referred to Committee on Town and City Corporations.

The Speaker laid before the House a copy of the resolutions passed by citizens of Galveston, in mass meeting, relative to a bill before the Legislature to grant the Galveston Wharf Company the right to connect their wharf with the Galveston, Houston and Henderson railroad by a railway through the city of Galveston, and protesting against the passage of said bill.

Resolutions read and referred to Committee on Internal Improvements.

Mr. Burnett, Chairman of Committee on Judiciary, submitted the following report:

COMMITTEE ROOM,
June 24, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: The Judiciary Committee, to whom was referred House bill No. 6, introduced by Hon. W. J. Locke, entitled "An Act to amend the seventy-first and ninety-second sections of 'An Act to regulate proceedings in the District Courts,' approved May 13, 1846," have

duly considered the same, and respectfully report it back and recommend its passage.

J. R. BURNETT,
Chairman.

Report and bill passed to special orders of the day:

Mr. Schutze, Chairman of Committee on State Affairs, submitted the following reports:

COMMITTEE ROOMS,
June 23, 1870.

HON. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 234, entitled "An Act to incorporate the Casino Society of Indianola," respectfully report that they have had the same under due consideration, and recommend the passage of the accompanying substitute, which is in substance the same as the original bill.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

COMMITTEE ROOM,
Austin, June 22, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred "An Act appointing Mary Harrison guardian of Martha Harrison, a minor," have duly considered the same, and beg leave to report that the peculiar circumstances connected with the case make it evidently necessary that said appointment should be granted by a special act of your honorable body, and we therefore recommend its passage.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

COMMITTEE ROOM,
Austin, June 23, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was re-committed House joint resolution No. 7, have had the same under consideration, and respectfully report that the joint resolution, among other things, makes an appropriation of money, whereas appropria-

tions of money should be made by bill only; your committee would therefore respectfully recommend that the last resolution of the series be stricken out, with which amendment we recommend that the joint resolution be passed.

Respectfully,

SCHUTZE,
Chairman of Committee.

Reports, bills and joint resolution passed to orders of the day.

Mr. Schutze also submitted the following report:

COMMITTEE ROOM,
June 23, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

SIR: The Committee on State Affairs respectfully report the accompanying bill, to be entitled "An Act making an appropriation to defray the expenses of the removal of the mortal remains of General Sam Houston from Huntsville to Independence, as contemplated in joint resolution No. 7," with the recommendation that the bill be passed.

Respectfully,

JULIUS SCHUTZE,
Chairman.

On motion of Mr. Schutze the rules were suspended to put the bill just reported on its first reading.

A bill to be entitled "An Act making an appropriation to defray the expenses of the removal of the mortal remains of General Sam Houston from Huntsville to Independence, as contemplated in joint resolution No. 7," read the first time.

On motion of Mr. Camp the rules were further suspended, and House bill No. 314, to be entitled "An Act making an appropriation to defray the expenses of the removal of the mortal remains of General Sam Houston from Huntsville to Independence, as contemplated in joint resolution No. 7," read the second time.

On motion of Mr. Plumley the rule requiring all bills making appropriations of money to be considered in Committee of the Whole was suspended.

Mr. Tegener moved to amend section one by striking out the word "ten" and inserting in lieu thereof the word "five."

Amendment adopted.

House bill No. 314 was ordered to be engrossed and read the third time.

Mr. Locke, Chairman of Committee on Agriculture and Stock Raising, submitted the following reports:

COMMITTEE ROOM,
Austin, June 23, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee to whom was referred House bill No. 42, have had the same under consideration, and respectfully report the same back, and recommend that it be laid on the table.

Very respectfully,
LOCKE,
Chairman of Committee on Agriculture and Stock Raising.

COMMITTEE ROOM,
Austin, June 23, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee to whom was referred House bill No. 312, have had the same under consideration, and respectfully report the same back and recommend that it be laid on the table.

Very respectfully,
LOCKE,
Chairman of Committee on Agriculture and Stock Raising.

COMMITTEE ROOM,
June 23, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your committee to whom was referred petition No. —, have had the same under consideration, and respectfully report the same back and recommend that it be laid on the table.

Very respectfully,
LOCKE,
Chairman of Committee on Agriculture and Stock Raising.

COMMITTEE ROOM,
June 23, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your committee to whom was referred House bill No. 47, have had the same under consideration, and respectfully report the same back and recommend that it be laid on the table.

Very respectfully,
LOCKE,
Chairman Committee on Agriculture and Stock Raising.

Reports bills and petition laid on the table.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
June 24, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred petition of the citizens of a portion of the counties of DeWitt, Karnes and Goliad, praying for the county of DeWitt to be divided and making one new county, to be called Ogden; also two remonstrances protesting against such division, have had the same under consideration, and, so far as we could, have thoroughly investigated the whole matter, and most respectfully beg leave to make the following report:

That your committee is always ready and willing to do what they believe will result in the greatest good to the greatest number; but, from the earnest remonstrance signed by such a large number of the citizens of said counties, your committee is forced to the conclusion that said division is strenuously opposed.

Therefore, your committee return the papers in the above cause and ask that they be laid on the table, and that your committee be discharged from the further consideration of the same.

COOPER,
Chairman.

Petitions laid on the table.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following reports:

COMMITTEE ROOM,
June 23, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

Your Committee on Town and City Corporations, to whom was referred House bill No. 86, entitled, "An Act to incorporate the town of Canton, in Van Zandt county," having carefully examined the same, beg leave to report the same back, with the following amendment to section twenty-three, to-wit:

"Provided nothing in said charter contained shall interfere with the law passed by this Legislature, entitled, 'An Act to provide for the appointment by the Governor of certain officers to fill vacancies,'" and recommend the passage of the same.

C. D. MORRIS,
Chairman.

[illegible] House of Representatives

[illegible] Town and City Corporations, to whom [illegible] No. 51, entitled, "An Act to incorporate [illegible] in Fannin county," having carefully examined [illegible] beg leave to report the same back with the following [illegible] to-wit:

Strike out section seven of said charter, and add to section [illegible] the following: "Provided nothing in this charter contained shall interfere with the law framed by this Legislature, entitled 'An Act to provide for the appointment by the Governor of certain officers to fill vacancies,'" and recommend the passage of said charter.

C. D. MORRIS,
Chairman.

COMMITTEE ROOM,
June 23, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 269, entitled, "An Act to incorporate the town of Cleburne, in Johnson county," having carefully examined the same, beg leave to report the same back, with the following amendments, to-wit:

Strike out section seven of said charter, and add to section nine the following: "Provided nothing in this charter contained shall interfere with the law passed by this Legislature, entitled, 'An Act to provide for the appointment by the Governor of certain officers, to fill vacancies,'" and recommend the passage of the same as amended.

C. D. MORRIS,
Chairman.

Reports and bills passed to orders of the day.

Mr. Youngkin, Chairman of Committee on Roads, Bridges and Ferries, submitted the following reports:

COMMITTEE ROOM,
June 24, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 259, entitled "An Act to incorporate the Foster Crossing Bridge Company, in Navarro county," having

[illegible] That [illegible] miles of said bridge, on said creek."

With such amendment your committee recommend the passage of the bill.

Respectfully,

YOUNGKIN,
Chairman.

COMMITTEE ROOM,
June 24, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill 230, entitled "An Act to allow James Harris to build a bridge across the east fork of the Trinity river, in Collin county, having had the same under consideration, beg leave to report back the following amendments:

That section three be so amended as to read "five miles above and five miles below, for the space of five years. And after the expiration of five years they shall have the privileges of said river three miles above and three miles below said bridge, provided that the county wherein said bridge is situated shall have the right to construct and build a bridge across said river anywhere, and at any time, so as not to affect the limits of said charter. With such amendments your committee would recommend the passage of the bill.

Respectfully,

YOUNGKIN,
Chairman.

COMMITTEE ROOM,
June 24, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill 276, entitled "An Act to authorize C. C. Dewitt to construct a bridge across the Guadalupe river, near the town of Gonzales, having had the same under consideration, beg leave to report back the same with the following amendments:

That section two be so amended as to read, that "said bridge shall be completed within three years from the passage of said act."

That section four be so amended as to read, "that no other bridge or ferry shall be constructed within three miles above or three miles below said bridge," instead of "four miles."

With such amendments your committee would respectfully recommend the passage of the bill.

Respectfully,

(Signed) YOUNGKIN.
Chairman.
J. C. WEAVER.
WM. SCHLOTMAN,
R. L. MOORE.
D. MEDLOCK,
H. C. ELLIS.

COMMITTEE ROOM,
June 24, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 256, entitled "An Act to amend an act entitled 'An Act to incorporate the Sulphur Bridge and Turnpike Company,'" having had the same under consideration, beg leave to report back the following amendments:

That sections one and two of said act be stricken out, and that said act be so amended as to read, "That said company shall have two years from and after the passage of said act, in which to construct and complete the bridge and turnpike road of said company."

With such amendment your committee would recommend the passage of the bill.

Respectfully,

YOUNGKIN.
Chairman.

COMMITTEE ROOM,
Austin, June 24, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 3, entitled "An Act to authorize T. M. Harwood, W. G. Belding and Charles Mason to construct and build a bridge across the Guadalupe river, near Gonzales," having

had the same under consideration, beg leave to report back the same with the recommendation that it do not pass.

Respectfully,

YOUNGKIN,
Chairman of Committee.

Reports and bills passed to orders of the day.

Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
House of Representatives,
Austin, June 24, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: I am instructed by your Committee on Engrossed Bills, to whom was referred House bills Nos. 167 and 298, to report the same back as correctly engrossed.

Respectfully, STOCKBRIDGE,
Chairman.

Report accepted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
June 23, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

I have the honor to report that "An Act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employes of the twelfth Legislature of the State of Texas," has this day been presented to the Governor for his approval and signature.

ROBINSON,
Chairman.

COMMITTEE ROOM,
June 24, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Enrolled Bills instruct me to report that "An Act to provide for the enrollment of the militia," etc., has this day been presented to the Governor and his approval and signature of the same asked.

ROBINSON,
Chairman.

COMMITTEE ROOM,
June 24, 1870.

Hon. IRA H. EVANS,

Speaker House of Representatives:

Your Committee on Enrolled Bills instruct me to report that they have examined "An Act to incorporate the Island City Real Estate and Building Association," and find the same to be correctly enrolled.

ROBINSON,
Chairman.

Reports accepted.

Mr. Locke introduced a bill to be entitled "An Act to discontinue the Criminal Court of the city of San Antonio, and to transfer the causes pending therein."

Bill read first time and referred to Judiciary Committee.

Also, a bill to be entitled "An Act supplementary to an act incorporating the Buffalo Bayou, Brazos and Colorado Railway Company, and to the other special acts relating to said company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Zapp introduced a bill to be entitled "An Act to incorporate the town of Round Top, Fayette county, Texas."

Bill read first time, and referred to Committee on Town and City Corporations.

Mr. Prissick offered the following joint resolution:

WHEREAS, The seaboard of the State of Texas is exposed to great danger in time of war with any foreign power, there being no port or roadstead on the coast of Texas where our war vessels can ride in safety; and therefore the only means of rapid communication must be by establishing a railroad running near and parallel with the coast, and extending from the Sabine to the Rio Grande; and

Whereas, the establishing of such railroad is also necessary for the defense of the frontier line of the Rio Grande, from the coast to El Paso; and

Whereas, such railroad cannot be built at this time by the people of the State of Texas, for the reason that all their means and credit are necessary for the continuation of their railroads extending from their ports into the inland portions of the State; therefore

Resolved, That our senators in Congress are instructed and our representatives requested to use their best endeavors in aiding the passage of some measure carrying out the object of the foregoing.

Joint resolution read the first time, and referred to Committee on Internal Improvements.

Mr. Plumley introduced a bill to be entitled "An Act to amend

sections second, sixth and twelfth, and to repeal sections third, seventh, fourteenth and sixteenth of an act to incorporate the Houston, Trinity and Tyler Railroad Company, approved January 7, 1860, and to repeal section third and fourth of an act to amend the first, seventh, thirteenth and seventeenth sections of said act of incorporation, approved January 25, 1860, and to repeal an act supplementary to an act to incorporate the Houston, Trinity and Tyler Railroad Company, and of an act amendatory thereto, passed at the present session of the Legislature, approved February 9, 1860."

Bill read the first time, and referred to Committee on Internal Improvements.

Mr. Franks offered the following resolution:

WHEREAS, R. H. C. Shelton, resident citizen of Cherokee county, and contestant of the seat of Hon. M. A. Gaston, representative from third district, having failed to establish allegations set forth in his petition; and

Whereas, the contestant began said contest in good faith, believing himself entitled to the said seat, and being encouraged so to do by various citizens and voters of said district, therefore be it

Resolved, That said R. H. C. Shelton be and is entitled to draw mileage to and from the capitol as prescribed by law.

Resolution read first and second times.

Mr. Abney moved to reject the resolution, pending which the hour arrived for the consideration of the special order of the day, which was the consideration of House bill No. 115, to be entitled "An Act to provide for the registration of voters."

House bill No. 115 read third time and passed by the following vote:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, Richard Allen, Butler, Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Crudup, Camp, Cox, Dupree, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Kendall, Lacy, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Williams of Walker, Williams of Colorado, Young, York, Zapp, Zoeller—54.

Nays—Messrs. Austin, Abbott of Hill, Beeton, Booty, Cole, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lane, Leonard, McLean, McKee of Fannin, Miller, Posey, Ross, Simmons, Smyth, Weaver of Johnson—20.

The title to the bill was agreed to.

A message was received from the Senate announcing that the President of that body had signed enrolled House bill No. 12, to

be entitled "An Act to incorporate the Island City Real Estate and Homestead Association."

Mr. Slaughter moved a suspension of the rules to take up out of its regular order Senate bill No. 94. to be entitled "An Act to expedite the construction of the Southern Pacific Railroad."

The yeas and nays were called for by Messrs. Slaughter, Tegener and Zoeller. and resulted as follows:

Yeas—Messrs. Austin. Abney. Abbott of Austin, H. R. Allen, R. Allen. Beeton, Butler. Booty. Burnett. Bonner. Chambers. Cooper, Cotton. Crudup, Cole, Camp. Cox. Dorris. Ellis. Franks, Gaston. Gardiner. George, Harn, Hamilton. Haswell. Jenkins. Kyle. Kendall. Lacy. Lane. Leonard, Locke. Manning. McLean. McKee of Fannin. Miller. Morris. Moore of Red River. Posey. Pierson. Plumley, Prissick, Schutze. Sheriff. Simmons, Slaughter. Stirman. Stockbridge. Van Noy, Williams of Walker. Weaver of Johnson, York—53.

Nays—Messrs. Speaker. Abbott of Hill. Burley. Dupree. Hawkins, Moore of Harrison. Mitchel. Mullins. Robinson. Ross. Schlickum. Schlotman. Smyth. Shelburne. Spencer. Tegener, Williams of Colorado. Young. Youngkin. Zapp. Zoeller—21.

So the rules were suspended, and Senate bill No. 94 read the first time.

Mr. Burnett moved that the bill be referred to Committee on Internal Improvements, upon which the yeas and nays were call d for by Messrs. Slaughter. Dupree and Tegener. and resulted as follows:

Yeas—Messrs. Speaker. Richard Allen. Burley. Burnett. Crudup. Cox. Dupree, George. Hamilton. Hawkins. Kendall. Leonard. Locke. Morrison. Moore of Harrison. McLean. Mitchel. Moore of Red River, Prissick. Robinson. Ross. Schlickum. Schlotman. Shelburne. Spencer. Tegener, Williams of Walker. Weaver of Johnson. Williams of Colorado. Young. Youngkin. Zapp. Zoeller—33.

Nays—Messrs. Austin. Abney. Abbott of Austin. H. R. Allen. Abbott of Hill. Beeton. Butler. Booty. Bonner. Chambers. Cooper Cotton. Cole. Camp. Dorris. Ellis. Franks. Gaston. Gardiner Grothaus. Harn. Haswell. Jenkins. Kyle. Lacy. Lane. Manning. Morris. McKee of Fannin. Mullins. Medlock. Miller. Posey. Pierson. Plumley. Schutze. Sheriff. Simmons. Slaughter. Smyth. Stirman. Stockbridge. Van Noy. York—44.

So the House refused to refer the bill.

Mr. Abney moved a further suspension of the rules to put the bill on its second reading. Upon which the yeas and nays were called for by Messrs. Robinson. Tegener and Zoeller. and resulted as follows:

Yeas—Messrs. Austin. Abney. Abbott of Austin. H. R. Allen.

Abbott of Hill, Becton, Butler, Booty, Bonner, Cooper, Cotton, Cole. Camp, Cox, Dorris, Ellis, Franks, Gaston, Gardiner, Harn, Hamilton, Haswell, Jenkins, Kyle, Lacy, Lane, Leonard, Manning, Morris, McKee of Fannin, Miller, Posey, Pierson, Plumley, Prissick, Schutze, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Van Noy, Weaver of Johnson, York—44.

Nays—Messrs. Speaker, Richard Allen, Burley, Burnett, Chambers, Crudup, Dupree, Grothaus, George, Hawkins, Kendall, Locke, Morrison, Moore of Harrison, McLean, Mitchel, Mullins, Medlock, Moore of Red River, Robinson, Ross, Schlickum, Schlotman, Smyth, Shelburne, Spencer, Tegener, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—33.

So the House refused to suspend the rules, four-fifths of the members present not voting for the same.

On motion of Mr. Burnett the rules were suspended to take up out of its regular order House bill No. 6, to be entitled "An Act to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the district courts, approved May 13, 1846."

House bill No. 6, read the second time.

Mr. Abney moved a call of the House. Call sustained.

Absentees—Messrs. Gaston, Tegener and Weaver of Johnson.

On motion of Mr. Morris the call was suspended.

House bill No. 6 was ordered to be engrossed and read third time.

Mr. Locke moved a further suspension of the rules to put the bill on its final passage. Lost.

On motion of Mr. Plumley the rules were suspended to take up bills on their third reading.

House bill No. 32, to be entitled "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company," read the third time.

Mr. Moore, of Red River, moved a call of the House.

Call sustained.

Absentees—Messrs. Abney, Crudup, Posey and Tegener.

On motion of Mr. Morris the call was suspended.

Mr. Butler was excused on account of sickness.

House bill No. 32 passed and title agreed to.

Messrs. Schutze Johnson and Slaughter were excused from attendance.

Mr. Williams, of Colorado, moved that the House adjourn until 10 o'clock A. M. to-morrow. Upon which the yeas and nays were called for by Messrs. Pierson, Ellis and Robinson, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Cole. Camp, Dupree, Ellis, Franks, Gardiner, Grothaus, George, Harn, Hamil-

ton, Haswell, Kendall, Lacy, Leonard, Moore of Harrison, Williams, McKee of Fannin, Miller, Moore of Red River, Ross, Stockbridge, Shelburne, Spencer, Van Noy, Weaver of Johnson, Williams of Colorado, Zoeller—28.

Nays—Messrs. Austin, R. Allen, Abbott of Hill, Beeton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Cox, Dorris, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lane, Locke, Harrison, McLean, Mitchell, Medlock, Pierson, Plumley, Prissick, Robinson, Schlickum, Simmons, Schlotman, Sheriff, Smyth, Stirman Williams of Walker, Young, York, Younkin, Zapp—39.

So the House refused to adjourn.

House bill No. 167, to be entitled, "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as 'The Texas Sanitary and Fertilizing Company,'" read the third time, passed, and title agreed to.

House bill No. 298, to be entitled, "An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas," read third time, passed, and title agreed to.

On motion of Mr. Grothaus the rules were suspended to take up, out of its regular order, House bill No. 109, to be entitled, "An Act to dispose of certain flats adjacent to tide way in Matagorda Bay, Calhoun county."

House bill No. 109 read the second time.

Substitute, offered by Committee on Public Lands and Land Office, was read, and on motion of Mr. Grothaus, it was adopted.

On motion of Mr. Camp, substitute for House bill No. 109 was ordered to be engrossed and read the third time.

Mr. Zoeller moved that the House adjourn until ten o'clock, A. M., to-morrow, upon which the yeas and nays were called for by Messrs. Pierson, Van Noy and Morrison, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Beeton, Burley, Booty, Chambers, Cole, Camp, Dupree, Gaston, Grothaus, Harne, Haswell, Hawkins, Jenkins, Kyle, Kendall, Leonard, Moore of Harrison, Morris, Williams, Miller, Moore of Red River, Prissick, Ross, Schlickum, Schlotman, Sheriff, Shelburne, Spencer, Van Noy, Weaver of Johnson, Williams of Colorado, Zoeller—38.

Nays—Messrs. Burnett, Bonner, Cooper, Cotton, Cox, Dorris, Ellis, Franks, George, Hamilton, Lacy, Lane, Locke, Morrison, McLean, McKee of Fannin, Mitchel, Medlock, Pierson, Plumley, Robinson, Smyth, Stirman, Williams of Walker, Young, York, Youngkin, Zapp—28.

So the House at 12:45 adjourned.

HOUSE OF REPRESENTATIVES,
Austin, Texas, June 25, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; quorum present.

Absentees—Messrs. Crudup and Johnson.

Mr. Franks moved that the reading of yesterday's journal be dispensed with. Lost.

Journal of yesterday read, corrected and adopted.

Mr. Johnson was excused from attendance on a count of sickness.

Mr. Crudup was excused from attendance indefinitely on account of sickness.

Mr. Plumley presented the petition of the president and secretary of the Houston, Trinity and Tyler Railroad Company for relief.

Petition read and referred to Committee on Internal Improvements.

Mr. Burnett, Chairman of Committee on Judiciary, submitted the following report:

COMMITTEE ROOM,
June 25, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: The Judiciary Committee, to whom was referred House bill No. 308, introduced by the Hon. J. E. Hawkins, entitled "An Act to prescribe the duties of assessors and collectors and of sheriffs in certain cases," having duly considered the same, respectfully report the accompanying joint resolution as a substitute, to-wit: "Joint resolution providing for the collection of taxes;" and recommend its passage.

Very respectfully,

J. R. BURNETT,
Chairman.

Report, bill and joint resolution passed to orders of the day.

Mr. Young, Chairman of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
Austin, June 24, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Internal Improvement, to whom was referred House bill No. 219, entitled "An Act to incorporate the

Neches and Angelina Rivers Navigation Company," having duly considered the same, would respectfully propose the accompanying amendments, and recommend the passage of said bill as so amended.

Very respectfully,

H. W. YOUNG,
Chairman of Committee.

Report and bill passed to orders of the day,

Mr. Camp, Chairman of Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,
Austin, June 25, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Lands and Land Office would most respectfully state that they have had under consideration House bill No. 211, and after investigating the nature and character of the bill, have arrived at the conclusion that it is a meritorious bill and should be passed. Your committee therefore return the same with an amendment to section one of said bill and ask that it do pass.

CAMP,
Chairman.

Report and bill passed to orders of the day.

Mr. Plumley, Chairman of Committee on Commerce and Manufactures, submitted the following report:

COMMITTEE ROOM,
Austin, June 25, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Commerce and Manufactures, to whom was referred House bill No. 20, entitled "An Act to prevent stage coaches from carrying more than a certain number of passengers, and charging more than a certain rate of fare, and traveling less than a certain rate of speed, respectfully return the same and recommend that it be laid upon the table, for the reason that a more comprehensive bill, embracing the same object, is now before another committee of this House.

PLUMLEY,
Chairman.

Report and bill laid on the table.

Mr. Plumley also submitted the following report:

COMMITTEE ROOM,
Austin, June 25, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Commerce and Manufactures, to whom was referred House bill No. 192, a bill to incorporate the Emigration Company of the State of Texas, respectfully return said bill and recommend that it be referred to the Committee on Immigration.

PLUMLEY,
Chairman.

Bill recommitted to Committee on Immigration.

Mr. Plumley also submitted the following report:

COMMITTEE ROOM,
Austin, June 25, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Commerce and Manufactures, to whom was referred House bill No. 295, a bill to incorporate the Galveston Building Association, respectfully report the same and recommend its passage.

PLUMLEY,
Chairman.

Report and bill passed to orders of the day.

Mr. Locke, Chairman of Committee on Agriculture and Stock Raising submitted the following report:

COMMITTEE ROOM,
Austin, June 23, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives.

SIR: Your Committee on Agriculture, to whom was referred House bill No. 60, have had the same under consideration, and respectfully report the same back, amended, and recommend its passage.

Very respectfully,

LOCKE,
Chairman.

Report and bill passed to orders of the day.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following minority report:

COMMITTEE ROOM.
June 24, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives

The undersigned, members of the Committee on County and County Boundaries, to whom was recommitted a bill creating the county of "Peebles," have considered the same, and, dissenting from the report presented by a portion of the committee, respectfully return said bill to the House with the following amendments, and earnestly recommend its passage:

Amend first section, after the word "beginning," insert as follows: "at the mouth of Beason's creek, on the Brazos river: thence up the said Beason's creek, with its meanders to the southeast corner of the Calvet Wallace league: thence east to where Hurricane creek crosses the Montgomery county line; thence southwest to the western boundary line of Montgomery county to Spring creek; thence in a southwestern direction, touching the eastern end of what is known as the McKinney island; from thence to the western boundary line of Harris county, at a point where Mound creek crosses the same; thence with the western boundary line of Harris county, in a southerly direction, to the corners of Fort Bend and Harris counties; thence in a western direction with the northern boundary line of Fort Bend county to the Brazos river; thence up the channel of Brazos river, with its meanders, to the mouth of Beason's creek, the point of beginning;" and strike out in the first section of the original bill, after the word "beginning," all that portion of said section, which defines the boundary line of said Peebles county, and substitute the foregoing amendment in lieu thereof.

The committee, in considering said bill, have thought proper to make this amendment to the same, leaving out all the territory of Montgomery county, which was in the original bill, and taking but very little of the territory of Harris county, leaving Peebles county in a more compact shape, and well proportioned as to territory and population. The latter portion of Harris and Grimes counties, which will be attached to Peebles county, is sparsely settled, and remotely situated from their respective county seats, and for county purposes are put to a great inconvenience in being obliged to visit the town of Houston and Anderson, and by attaching the above mentioned portion of Harris and Grimes counties, will not affect materially either of said counties, financially or politically: but we are advised that the citizens residing in the portion of Grimes and Harris counties, that are to be attached to Peebles county, will be greatly benefitted by the changes. When we come to consider the county of Austin, the petition presented to us for this new county,

which is almost unanimous, about twelve hundred names being on the petition, setting forth the reasons, showing the great benefit to be derived by creating this new county, we cannot hesitate for a moment to earnestly and urgently recommend the passage of the bill as amended, being governed in presenting this report, that it is the duty of a legislator to favor said measures. as they will be of great benefit to the masses, locally, and are further informed and believe that the citizens of Grimes county, a small portion of the section of which is added to Peebles county, are really not opposed to the change. From the evidence before the committee we are confident that our conclusions are correct as to Grimes county, for this is not the first time this measure has been proposed: it was before the Convention of 1868, and of previous legislative bodies, and no petition or protest from that portion of Grimes county contemplating annexation to the new county has ever been presented to those bodies. The matter has been sufficiently discussed and sufficient time allowed parties who should wish to complain to do so in a proper manner. The number and character of the citizens who petition for this new county is sufficient to demand the attention of this body, and believing that this petition should be respected, we earnestly recommend the passage of House bill No. , with the foregoing amendments, creating the county of Peebles.

YORK,
MILLER.

Minority report filed with majority report previously submitted.

Mr. Burnett, Chairman pro tempore of Committee on Privileges and Elections, submitted the following report:

COMMITTEE ROOM,
June 25, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred the petition of W. E. Horne, of Fort Bend county, claiming the seat now held by Hon. C. L. Abbott, of Austin county, having duly examined into the merits of the case, have the honor to report:

That at the late election in the Thirteenth Senatorial District, composed of the counties of Wharton, Fort Bend and Austin, Mr. Abbott received 162 votes over Mr. Horne, according to the sworn returns of the boards of registrars, and was duly and legally elected one of the Representatives from said district. Mr. Horne contends that 250 or 280 ballots, upon which was his name for representative, were illegally thrown out and not counted by the board; but these tickets had also the names of Mr. Abbott upon them, and if we should conclude that Mr. Horne was entitled to have them added to

his vote, justice would require that they should also be added to the vote of Mr. Abbott, and this would leave Mr. Abbott's majority the same as if these votes be not counted. But your committee are of opinion that these ballots, as they contained more names for Representative than the law authorized, were legally thrown out by the board, and should not have been counted.

Your committee further find that on the eleventh of February last, at the provisional session of this body, this House adopted the following resolution in a contest waged by Mr. Horne, to-wit:

Resolved, That William Sheriff and C. L. Abbott are entitled to the seats now held by them as Representatives from the Thirteenth District, and that W. E. Horne is not entitled to a seat in this House.

We see no reason to disturb this action of the House.

Your committee respectfully recommend the adoption of the accompanying resolution, and that they be discharged from further consideration of the case.

Very respectfully,

J. R. BURNETT,
For the Committee.

Accompanying resolution as follows:

Resolved, That the petition of W. E. Horne, claiming the seat of Hon. C. L. Abbott in this House, be and it is hereby rejected.

Resolution offered by committee read first and second times, and on motion of Mr. Grothaus, it was adopted.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM.
Austin, June 25, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom were referred House bills Nos. 254 and 314, having carefully examined the same, have the honor to report them back as correctly engrossed.

Very respectfully, your obedient servant,

STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
June 24, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that "An Act to incorporate the Island City Real Estate and Homestead Association," has this day been presented to His Excellency, the Governor, for approval.

ROBINSON,
Chairman.

Report accepted.

Mr. Franks introduced a bill to be entitled "An Act supplementary to an act entitled 'An Act to encourage the improvement of the navigation of the rivers and other navigable waters in Texas, by making appropriations for the same.'"

Bill read first time and referred to Committee on Internal Improvements.

Mr. Jenkins introduced a bill to be entitled "An Act to repeal 'An Act to amend the twenty-second section of an act to regulate railroad companies, approved February 7, 1853,' approved February 11, 1854."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Dorris introduced a bill to be entitled "An Act to protect the poor and uneducated."

Bill read first time and referred to Judiciary Committee.

Mr. Grothaus offered the following resolution:

WHEREAS, This State is entirely destitute of all mining and civil engineering colleges or schools: and,

Whereas, further, It is highly essential and of great importance that talented young men of this State should be instructed in the above indicated sciences for the benefit of our State, by developing her mineral resources, and to build our railroads hereafter; therefore, be it

Resolved, That the Committee on Education be and the same is hereby instructed to inquire into the practicability of establishing a certain number of State scholarships.

Resolution read first and second times and referred to Committee on Education.

Mr. Moore, of Red River, introduced a bill to be entitled "An Act to incorporate the Red River County, Texas, Agricultural and Mechanical Association."

Bill read first time and referred to Committee on Agriculture and Stock Raising.

On motion of Mr. Slaughter the rules were suspended to take up, out of its regular order, Senate bill No. 94, to be entitled "An Act to expedite the construction of the Southern Pacific Railroad."

The yeas and nays being called for by Messrs. Slaughter, Robinson and Locke, resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Allen, H. R., Allen, Richard; Abbott of Hill, Beeton, Butler, Burley, Booty, Bonner, Chambers, Cooper, Cotton, Cole, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, Harn, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lane Leonard, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Ross, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Spencer, Van Noy —52.

Nays—Messrs. Speaker, Burnett, Cox, Grothaus, George, Hamilton, Locke, Medlock, Robinson, Schlickum, Schlotman, Shelburne, Tegener, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—20.

Mr. Tegener moved that the bill be referred to the Committee on Internal Improvements, upon which the yeas and nays were called for by Messrs. Slaughter, Robinson and Abney.

The hour having arrived for the consideration of the special order of the day, Mr. Slaughter moved the postponement of the same until eleven o'clock A. M., Tuesday next, upon which the yeas and nays were called for by Messrs. Abney, Grothaus and Zoeller.

Mr. Robinson moved a call of the House.

Call sustained.

Absent—None.

On motion of Mr. Chambers, the call of the House was suspended.

The result of the vote to postpone the special order until eleven o'clock A. M., Tuesday next, was as follows:

Yeas—Messrs. Austin, Abbott of Austin, Allen, H. R., Allen, Richard; Abbott of Hill, Beeton, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cole, Camp, Dupree, Ellis, Franks, Gaston, Gardiner, George, Harn, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Mullins Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Ross, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Van Noy, Williams of Walker, Weaver of Johnson, York, Young—58.

Nays—Messrs. Abney, Cotton, Cox, Dorris, Grothaus, Hamilton, Locke, Medlock, Robinson, Schlickum, Schlotman, Spencer, Tegener, Williams of Colorado, Youngkin, Zapp, Zoeller—17.

So the special order for the day was postponed until eleven o'clock A. M., Tuesday next.

Mr. Robinson moved that the House adjourn until ten A. M., Monday next, upon which the yeas and nays were called for by Messrs. Robinson, Bonner and Abney, and resulted as follows:

Yeas—Messrs. Grothaus, Locke, Manning, Medlock, Schlickum, Schlotman, Tegener, Williams of Colorado, Youngkin, Zapp, Zoeller—11.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Cole, Camp, Cox, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, George, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Mullins, Miller, Moore of Red River, Posey, Pierson, Plumly, Prissick, Robinson, Ross, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Van Noy, Williams of Walker, Weaver of Johnson, Young, York—64.

So the House refused to adjourn.

Mr. Butler moved a suspension of the rules for the consideration of Senate bill No. 94, to be entitled "An Act to expedite the construction of the Southern Pacific Railroad," upon which the yeas and nays were called for by Messrs. Abney, Slaughter and Austin, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Butler, Burley, Booty, Bonner, Chambers, Cooper, Cole, Camp, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, Harn, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Miller, Moore of Red River, Posey, Pierson, Plumley, Ross, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Van Noy, Williams of Walker, Weaver of Johnson, Young, York—55.

Nays—Messrs. Speaker, Abney, Burnett, Cotton, Cox, Grothaus, George, Hamilton, Locke, Mullins, Medlock, Prissick, Robinson, Schlickum, Schlotman, Spencer, Tegener, Williams of Colorado, Youngkin, Zapp, Zoeller—21.

So the rules were suspended.

Mr. Abney moved that the House adjourn until 10 o'clock, A. M., Monday next, upon which the yeas and nays were called for by Messrs. Abney, Slaughter and Moore of Red River, and resulted as follows:

Yeas—Messrs. Abney, Grothaus, Hamilton, Medlock, Robinson,

Schlickum, Schlotman, Spencer, Tegener, Williams of Walker, Youngkin, Zapp, Zoeller---13.

Nays—Messrs. Austin, Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Cole Camp, Cox, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, George, Harn, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel Mullins, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Ross, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Van Noy, Weaver of Johnson, Williams of Colorado, Young, York—62.

So the House refused to adjourn.

The question being upon the motion to refer the bill to the Committee on Internal Improvements, the result of the vote was as follows:

Yeas—Messrs. Speaker, Burnett, Cotton, Grothaus, Hamilton, Locke, Mullins, Medlock, Robinson, Schlickum, Schlotman, Spencer, Tegener, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—18.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Butler, Burley, Booty, Bonner, Chambers, Cooper, Cole, Camp, Cox, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, George, Harn, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Ross, Schutze, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Shelburne, Van Noy, Weaver of Johnson, Young, York--57.

So the House refused to refer the bill to the Committee on Internal Improvements.

Mr. Smyth was excused from attendance on account of sickness.

Mr. Zoeller moved that the House adjourn until 10 o'clock, A. M., Monday next, upon which the yeas and nays were called for by Messrs. Harn, Schlickum and Schlotman, and resulted as follows:

Yeas—Messrs. Cotton, Grothaus, Hamilton, Robinson, Schlickum, Schlotman, Spencer, Tegener, Williams of Colorado, Youngkin, Zapp, Zoeller—12.

Nays---Messrs. Austin, Abney, Abbott of Austin, Allen H. R., Allen Richard, Abbott of Hill, Becton, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cole, Camp, Cox, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, George, Harn, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee

of Fannin, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Ross, Schutze, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Shelburne, Van Noy, Williams of Walker, Weaver of Johnson, Young, York—62.

So the House refused to adjourn.

The House granted the use of the hall for next Friday evening for the examination of the colored school of Austin.

Mr. Williams, of Colorado, was excused from attendance on account of sickness in his family.

Senate bill No. 94, to be entitled "An Act to expedite the construction of the Southern Pacific Railroad," read the second time.

Mr. Robinson moved that the House resolve itself into Committee of the Whole for the consideration of the bill. Lost.

[Mr. Butler in the chair.]

Mr. Locke moved to amend section one by striking out the word, "sixte n" and inserting in lieu thereof the word "ten."

Mr. Slaughter moved to lay the amendment on the table, upon which the yeas and nays were called for by Messrs. Locke, Slaughter and Schlickum, and resulted as follows:

Yeas—Messrs. Austin, Abney, H. R. Allen, R. Allen, Abbott of Hill, Beeton, Bonner, Butler, Burley, Booty, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, George, Harn, Haswell, Hawkins, Kyle, Kendall, Lacy, Lane, Leonard, Manning, Morrison, Moore of Harrison, McKee of Fannin, Mitchel, Miller, Moore of Red River, Posey, Pierson, Prissick, Ross, Schutze, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Van Noy, Williams of Walker, York—49.

Nays—Messrs. Abbott of Austin, Chambers, Hamilton, Locke, Mullins, Medlock, Robinson, Schlickum, Schlotman, Shelburne, Tegener, Youngkin, Zapp—13.

So the amendment was laid on the table.

Mr. Robinson offered the following amendment:

Strike out the words "now constructed and," in the first section.

On motion of Mr. Camp the amendment was laid on the table.

Mr. Evans moved to amend section one by striking out all after the words "following, to-wit," down to line seventeen, including the word "public."

On motion of Mr. Slaughter the amendment was laid on the table.

Mr. Robinson moved that the House adjourn. Lost.

Mr. Burnett moved to amend section nine by adding to the section the words, "and unless it shall complete fifty miles of the road per annum thereafter."

Mr. Slaughter moved to lay the amendment on the table; upon

which the yeas and nays were called for by Messrs. Slaughter, Burnett and Zoeller, and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Allen, H. R., Abbott of Hill, Becton, Butler, Burley, Booty, Chambers, Cooper, Cotton, Cole, Camp, Dorris, Ellis, Franks, Gaston, Gardiner, Harn, Haswell, Hawkins, Jenkins, Kyle Kendall, Lacy, Lane, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Moore of Red River, Posey, Pierson, Plumley, Ross, Schutze, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Van Noy, Weaver of Johnson, York—48.

Nays—Messrs. Speaker, Allen, Richard, Burnett, Bonner, Cox, Dupree, Grothaus, George, Hamilton, Leonard, Locke, Mullins, Medlock, Prissick, Robinson, Schlickum, Schlotman, Spencer, Tegener, Williams of Walker, Youngkin, Zapp, Zoeller—23.

So the amendment was laid on the table.

Mr. Evans moved to strike out section twelve.

On motion of Mr. Slaughter, the motion of Mr. Evans was laid on the table.

The question being on the third reading of the bill, the yeas and nays were called for by Messrs. Haswell, Robinson and Schlickum, and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Butler, Burley, Booty, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, George, Harn, Hazwell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Mullins, Miller, Moore of Red River, Posey, Pierson, Plumley, Ross, Schutze, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Van Noy, Williams of Walker, Weaver of Johnson, York—56.

Nays—Messrs. Speaker, Burnett, Grothaus, Hamilton, Locke, Medlock, Prissick, Robinson, Schlickum, Schlotman, Spencer, Tegener, Youngkin, Zapp, Zoeller—15.

So the bill was ordered to be read the third time.

(Speaker in the chair.)

On motion of Mr. Slaughter the consideration of Senate bill No. 94 was made the special order for 10:30 A. M. Monday next.

On motion of Mr. McLean the rules were suspended to take up bills on their third reading.

Mr. Ellis moved that the House adjourn. Lost.

House bill No. 254, to be entitled "An Act to incorporate the Southern Trans-Continental Railway Company," being first in order,

Mr. McLean offered the following amendment:

In section two, line four, after the word "Arkansas," insert the

words "between the Sulphur Fork and Red River, and thence as near as practicable to the route of the Memphis, El Paso and Pacific railroad survey to the town of El Paso." Amendment adopted.

Mr Slaughter moved to amend section two by striking out the words "said railway line to approximate. as near as practicable, to what is known as the thirty-second parallel of north latitude."

Amendment adopted.

Mr. Abbott, of Hill, moved that the House adjourn. Lost.

Mr. McLean moved the previous question. Previous question seconded.

The question then recurred. "Shall the main question be now put?" Main question ordered.

The main question being on the final passage of House bill No. 254, to be entitled "An Act to incorporate the Southern Trans-Continental Railway Company," the yeas and nays were called for by Messrs. McLean, Austin and Hawkins, and resulted as follows:

Yeas—Messrs. Speaker, Austin. Abney, R. Allen, Becton, Butler, Burley, Booty, Burnett, Bonner. Cooper. Cotton, Camp, Cox, Dupree, Dorris. Ellis, Franks, Gardiner Grothaus, George, Harn, Hamilton, Jenkins. Kyle, Kendall, Lacy, Lane. Leonard, Manning, Moore of Harrison, McLean, McKee of Fannin, Mitchel, Mullins, Medlock. Moore of Red River, Posey, Pierson, Prissick, Ross, Schlotman. Sheriff, Simmons, Slaughter. Stirman, Stockbridge, Shelburne, Spencer, Van Noy, Williams of Walker, Weaver of Johnson, Youngkin. Zoeller—54.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Hawkins, Miller, Schlickum, York—6.

So the bill passed, and its title was agreed to.

On motion of Mr. Butler Mr. Dorris was granted leave of absence for four days from to-morrow.

On motion of Mr. Butler the amendments to House bill No. 254 were ordered to be engrossed.

On motion of Mr. Butler (at two o'clock P. M.) the House adjourned until ten o'clock A. M. Monday next

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 27, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Lyons and Young.

Mr. Young was excused from attendance on account of sickness.

Mr. Cole was excused from attendance for thirty days from Wednesday next.

Mr. Butler moved that the reading of the journal of Saturday, June 25, be dispensed with. Lost.

Journal of Saturday, June 25, read, corrected and adopted.

The Speaker and Mr. Burnett presented petitions, signed by justices of the peace of the counties of Karnes and Houston, asking the Legislature to pass a law conferring upon justices of the peace, exclusively, the power of taking acknowledgments, etc.

Messrs. Harn, Speaker, Sheriff, Schlickum and Zapp presented the petitions of the district clerks of the counties of Grimes, Washington, Fort Bend, Atascosa and Fayette, protesting against the passage of a law by the Legislature conferring upon justices of the peace, exclusively, the power of taking acknowledgments, etc.

Mr. Pierson presented a petition, signed by citizens, asking that jurors be allowed a greater compensation for their services.

Mr. Schlickum presented a petition for the removal of Robert B. Kingsbury, justice of the peace, precinct No. 2, Cameron county.

Above mentioned petitions read and referred to Judiciary Committee.

Mr. Zoeller presented the petition of J. Cahn, sheriff of Calhoun county, for relief.

Petition read and referred to Committee on Claims and Accounts.

Mr. Sheriff presented a petition from citizens of Falls county, praying for a new county west of the Brazos river.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Plumley presented the proposition of Mr. S. M. Swenson, of New York, to furnish maps of each county of Texas.

Referred to Committee on Immigration.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM.
AUSTIN, Texas, June 27, 1870.

To Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills, to whom was referred House bill No. 109, having carefully examined, have the honor to report back the same as correctly engrossed.

Very respectfully, your obedient servant,
STOCKBRIDGE,
Chairman of Committee.

Report accepted.

On motion of Mr. Grothaus the rules were suspended to put on its final passage House bill No. 109, to be entitled "An Act to cede to and confer upon the city of Indianola all the rights, title and interest of the State in and to the flats adjacent to said city in the waters of Matagorda Bay, in trust for the purpose and upon the conditions herein specified."

House bill No. 109 read the third time, passed and title agreed to.

The hour having arrived for the consideration of the special order of the day, viz: Senate bill No 94, to be entitled "An Act to expedite the construction of the Southern Pacific Railroad," it was read the third time.

A message was received from the Senate announcing that that body had passed Senate bill No. 78, to be entitled "An Act concerning the levy of taxes for Bexar county:" Senate bill No. 112, to be entitled "An Act providing for levying a special tax in Caldwell county for the purpose of relieving the county from indebtedness, and building a jail:" Senate bill No. 165, to be entitled "An Act making an appropriation for certain purposes:" and Senate bill No. 224, to be entitled "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature," asking the concurrence of the House in the same.

Bills passed to orders of the day.

On motion of Mr. Slaughter, the special order for eleven o'clock, under the resolution adopted June 4, was postponed one hour.

Mr. Slaughter moved a further postponement of the special order of the day, under the resolution adopted June 4, for the balance of day, upon which the yeas and nays were called for by Messrs. Burnett, Robinson and Locke, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, R. Allen, Abbot of Hill, Becton, Butler, Burley, Booty, Bonner, Chambers, Cooper, Cotton, Cole, Camp, Dupree, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Harn, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Manning, Morrison, Moore of

Harrison, Morris, McLean, McKee of Fannin, Mitchel, Mullins, Miller, Moore of Red River, Posey, Pierson, Plumley, Robb, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Van Noy, Weaver of Johnson, York—61.

Nays—Messrs. Speaker, Burnett, Hamilton, Locke, Medlock, Prissick, Robinson, Spencer, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—13

So the special order was postponed.

A message was received from the Senate announcing that that body had passed House bill No. 201, to be entitled "An Act to provide for the appointment by the Governor of certain officers to fill vacancies," with the following amendment thereto, asking the concurrence of the House in the same:

Amend in section four, line two; after the word "alderman" insert "or officers of like character."

Mr. Slaughter moved a call of the House.

Call sustained.

On motion of Mr. Butler, the call was supended.

The question being on the final passage of Senate bill No. 94, to be entitled "An Act to expedite the construction of the Southern Pacific Railroad," the yeas and nays were called for by Messrs. Burnett, Locke and Robinson, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Butler, Burley, Booty, Bonner, Chambers, Cooper, Cotton, Cole, Camp, Cox, Dupree, Ellis, Franks, Gaston, Gadiner, Harn, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Mullins, Miller, Moore of Red River, Posey, Pierson, Plumley, Robb, Ross, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, York—59.

Nays—Messrs. Speaker, Burnett, Grothaus, George, Hamilton, Locke, Medlock, Prissick, Robinson, Schlickum, Schlotman, Spencer, Williams of Colorado, Youngkin, Zapp, Zoeller—16.

So the bill passed, and the title was agreed to.

On motion of Mr. Butler, the rules were suspended to take up House bill No. 201.

On motion of Mr. Burnett, the House concurred in the Senate amendment to the same.

On motion of Mr. Burnett, the rules were suspended to take up out of its regular order Senate bill No. 197, to be entitled "An Act

prescribing the times of holding the District Courts in the several judicial districts in the State."

Senate bill No. 197 read the first time and referred to Judiciary Committee.

On motion of Mr. Grothaus, the House at 12:50 o'clock P. M. adjourned until ten o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, June 28, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absentees—Messrs. Abney, Manning, Moore of Harrison, Schlickum, Lyons and Young.

Messrs. Abney, Manning, Moore of Harrison, Schlickum and Young were excused from attendance on account of sickness.

Mr. Lyons was excused from attendance indefinitely on account of sickness.

Mr. Franks moved that the reading of yesterday's journal be dispensed with. Lost.

Journal of yesterday read and adopted.

On motion of Mr. Moore of Red River Mr. Lyons was excused from the penalty of being absent yesterday, he having been unable to attend.

On motion of Mr. Stockbridge the rules were suspended to allow the Chairman of Committee on Engrossed Bills to submit the following report:

COMMITTEE ROOM,
Austin, June 28, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills, to whom was referred House bills Nos. 115 and 6, have carefully examined the same and have the honor to report the same back as correctly engrossed.

STOCKBRIDGE,
Chairman.

Report accepted.

The Speaker and Mr. Morrison presented petitions signed by justices of the peace of Liberty and Madison counties, asking the Legislature to pass a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Mr. Tegener presented the petition of the district clerk of Gillespie county, protesting against the passage of a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Above mentioned petitions read and referred to Judiciary Committee.

Mr. Robinson presented a petition signed by citizens of Bowie county for relief.

Petition read and referred to Committee on State Affairs.

Mr. Burnett, Chairman of Committee on Judiciary, submitted the following report:

COMMITTEE ROOM,
June 28, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred Senate bill No. 55, entitled "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and to prescribe the duties thereof," having carefully examined the same respectfully report:

That in section six of the bill the duration of the office of the criminal judge is fixed at eight years, and the committee recommend as an amendment that the word "eight" be stricken out and "four" inserted in lieu thereof. In support of this amendment we refer to section thirty-eight of article twelve of the Constitution, as follows: "The duration of all offices, not fixed by this Constitution, shall never exceed four years."

Section seven of the bill provides for the election of a district attorney for said court, but does not prescribe the time of the election. We have no objection to the election of the district attorney, but think that until the next general election the Governor should be authorized to appoint this officer, and therefore recommend that the following be added to said section: "*Provided*, That the Governor shall appoint a district attorney for said court, who shall hold his office until the next general election."

In section nine of the bill it is provided that the clerks of said court shall be appointed by the judge, and believing that the public service would be better promoted if this appointment should be left with the Governor, (the judge having power to remove for cause,) we recommend that said section be amended by striking out the following words in first line: "There shall be appointed by said judge," and insert in lieu thereof as follows: "There shall be appointed by the Governor." And in line six of same section, that the Governor be empowered to appoint a clerk to fill any vacancy instead of the judge.

With these amendments the committee respectfully report the bill back to the House and recommend its passage.

Very respectfully,

J. R. BURNETT, Chairman.

Report and bill passed to orders of the day.

Mr. Burnett also submitted the following report:

COMMITTEE ROOM,
June 28, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred Senate bill No. 155, entitled "An Act to provide for districting the State of Texas into judicial districts," and to whom was re-committed the report and bill on the same subject heretofore made and reported by this committee, having again carefully examined the same have the honor to report:

That the Senate bill is the same as the one originally reported by this committee, and with the amendment of adding the new county of Rains to the ninth district, the committee respectfully report the bill back to the House and recommend its passage.

BURNETT,
Chairman.

Report and bill passed to special order of the day.

Mr. Locke, Chairman of Committee on Agriculture and Stock Raising, submitted the following reports:

COMMITTEE ROOM.
Austin, June 27, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 322, entitled "An Act to incorporate the Red River County, Texas, Agricultural and Mechanical Association," having had the same under consideration, most respectfully report the same back as amended: Section one, line twenty-two, insert after the word act, "and shall have a common seal." and recommend its passage.

Very respectfully,

LOCKE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, June 27, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 300, a bill to amend "An Act to regulate the estraying of stock," having had the same under con-

sideration, most respectfully report the same back as amended, by adding to section one: "That no animal shall be estrayed if the mark and brand of said animal or animals is recorded in the county where said animal or animals are taken up."

Very respectfully,

L)CKE,
Chairman of Committee.

Reports and bills passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM.
Austin, June 25, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 116, entitled "An Act to re-organize the city of Indianola in Calhoun county," having carefully considered the same, beg leave to return said act with the following amendments: in article two, fourth line, after the words "as follows," insert the following, to-wit: "all that plat of land known on the Heusault map as the former limits of said city, together with that portion of the harbor of Matagorda Bay between said former city limits and the channel in said bay; and provided further, that said city limits may be hereafter extended, including and adding more territory whenever a majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said city, until said limits shall be ascertained and defined as follows."

Also, in third line, article ten, section one, strike out the words "one year" and insert "three month."

Also, in article eleven, section one, in fifth line, strike out all of said section after the words "subject to the provisi ns of" and insert the words as follows: "An Act entitled an act to authorize the Governor to fill vacancies, passed by this Legislature"; and your committee return said charter, as amended, with the recommendation that the same be granted.

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. Franks, Chairman of Committee on Privileges and Elections, submitted the following report and resolution:

COMMITTEE ROOM.
Austin, June 27, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee on Privileges and Elections, to whom was referred a resolution instructing your committee to inquire into the eligibility of the Hon. Fergus Kyle, sitting member of this body, representative from —— district, having had the same under consideration, beg leave to submit the following report:

There has been no evidence adduced before your committee going to prove the ineligibility of said member, but on the contrary we have arrived at the conclusion that said member is justly entitled to his seat, wherefore your committee submit the following resolution and recommend its adoption:

Resolved, That the Hon. Fergus Kyle is wholly eligible to the seat now held by him in the House of Representatives.

Respectfully,
F. G. FRANKS.
Chairman.

Resolution read first and second times, and on motion of Mr. Morris it was adopted, and Mr. Kyle declared entitled to his seat.

Mr. Franks also submitted the following report and resolution:

COMMITTEE ROOM,
Austin, June 27, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred a petition inquiring into the eligibility of the Hon. C. J. Stockbridge, now sitting member of this body, and representative from 16th district, having had the same under consideration, beg leave to submit the following report:

Your committee, from evidence adduced before them, are unable to find that the sitting member labors under any political disability whatever, but on the contrary find that the disabilities of said member, if any ever existed, have been removed by the Congress of the United States, wherefore your committee submit the following resolution and recommend its adoption:

Resolved, That the Hon. C. J. Stockbridge is legally and justly entitled to the seat now held by him in the House of Representatives.

Respectfully,
FRANKS,
Chairman.

Resolution read first and second times, and on motion of Mr.

Grothaus it was adopted, and Mr. Stockbridge declared entitled to his seat.

Mr. Franks also submitted the following report and resolution:

COMMITTEE ROOM,
Austin, June 27, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred a resolution inquiring into the eligibility of the Hon. W. H. Sinclair, sitting member of this body, representative from 12th district, having had the same under consideration, beg leave to submit the following report:

Your committee have no evidence before them tending to show the ineligibility of said member, but on the contrary believe him to be wholly eligible to a seat in this body, wherefore your committee offer the following resolution and recommend its adoption:

Resolved, That the Hon. W. H. Sinclair is legally and justly entitled to the seat now held by him in the House of Representatives.

Respectfully,

FRANKS,
Chairman.

Resolution read first and second times, and on motion of Mr. Plumley it was adopted, and Mr. Sinclair declared entitled to his seat.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, June 28, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Enrolled Bills, having carefully examined "An Act to provide for the appointment, by the Governor, of certain officers to fill vacancies," ask leave to report the same as correctly enrolled.

ROBINSON,
Chairman.

Report accepted.

Mr. Plumley, Chairman of Committee on Commerce and Manufactures, submitted the following report:

COMMITTEE ROOM,
June 27, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Commerce and Manufactures, to whom was referred House bill No. 179, entitled "An Act to authorize and require the Governor to appoint an Agent of State Salines, to take possession of the salt lake known as 'El Sal del Rey,' and other salines herein mentioned, and to pay over the revenues arising therefrom to the State," have had the same under consideration, and beg leave to report the same back to the House and recommend its passage, with the following amendments:

1. Strike out the preamble.

2. Insert in section first, after the words "Laguna Madre, or other bays," the words "or situated upon the islands" or inland.

3. Insert in section third, before the words "per cent.," the word "such," and after the words "sales of salt," the words "as the Governor shall allow."

4. Add to section five the words "and provided, further, that nothing herein shall be so construed as to affect the rights of minors, idiots, lunatics or persons of unsound mind."

We find, upon an examination of the subject, that the Spanish and Mexican governments and the Republic of Texas, which preceded the government of this State, reserved from grant, location or patent salt lakes, springs and mineral lands, (see Paschal's Digest, Art. 804, p. 233, and Art. 4,402, p. 726), and the laws of these governments remain the law, except so far as modified by our present constitution, Art. X, section 9, which it is believed by your committee does not affect the rights of the State to the salines in question.

The name of the salt lake in Hidalgo county will indicate of itself the lawful proprietorship. It is called "El Sal del Rey," or "The King's Salt," because in the grant of the surrounding lands the saline was reserved to the Crown. During the dominion of Spain and Mexico, a government agent was always in possession of this saline, controlling its revenues for the government. In the year 1862, the Legislature of the State passed a joint resolution authorizing and requiring the Governor to take possession of this saline, and giving to the claimants twelve months in which to institute suit to establish their claims, a feature which has been preserved in the present bill for the protection of claimants. (See General laws of the Ninth Legislature, pages 61 and 62).

For many years after the Texas Revolution, the country between the Nueces and the Rio Grande was without government, except in the town of Corpus Christi, under Texas, and the town of Laredo,

under Mexico, and the country was subject to predatory raids both from Texas and Mexico. During this period certificates were located (by moonlight) upon the saline in question, in violation of the laws. The saline is also claimed by the heirs and assigns of the original grantee of the lands surrounding the lake, under an old Spanish grant; but all confirmations of such grants by this State especially except islands and salt lakes. (See Paschal's Digest, Art. 4,465, p. 737, and Art. 4,488, p. 740). It will be thus seen that these conflicting claimants, who have alternately occupied this great saline, have done so in violation of the laws of the State.

In relation to the estuaries and lagoons along the coast, and upon the islands of the State, producing salt, and claimed by the adjoining owners, we have to say that such claims cannot be sustained by the grants, locations or patents under which they claim. The Supreme Court of this State has decided that the shore of a sea or bay, as defined by the civil law, is the line of highest tide in winter, and by the common law, an ordinary grant of land, upon a bay, is limited to the line of ordinary high tide; that by the civil law the shores of the sea, bays and river belong to the nation that possesses the country of which they are part, and are of the class of things common to all, and to which no exclusive right will ordinarily be granted; and by the common law the right to such property is vested in the State, and can only be granted by act of the Legislature, which in the case of these salines has not been done by any Legislature of this State. (See City of Galveston vs. Menard, XXIII Texas, p. 349.)

Your committee regards the title of the State to these salines as indisputable; but should this not be so, the rights of claimants are fully protected by section five of the accompanying bill. These salines are known to be of great value, which we believe will be greatly increased by placing them in the hands of a competent agent, to care for and develop, as provided in the bill submitted to our consideration.

PLUMLEY,
Chairman Committee on Commerce and Manufactures.

Report and bill passed to orders of the day.

Mr. Butler introduced a bill to be entitled "An Act to incorporate the Bayou City Bank."

Bill read first time and referred to Committee on State Affairs.

Also, a bill to be entitled "An Act supplementary to an act entitled 'An Act to provide for the protection of the frontier,' approved June 13, 1870."

Bill read first time and referred to Committee on Indian Affairs.

Mr. Cooper introduced a bill to be entitled "An Act to incorporate the Leon County Colored Manual Labor School."

Bill read first time and referred to Committee on Education.

Also a bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the Houston and Great Northern Railroad Company."

Bill read first time and referred to Committee on Internal Improvements.

Also a bill to be entitled "An Act granting lot No. 128, in block No. 122, in the city of Austin, to the trustees of the Methodist Episcopal Church."

Bill read first time and referred to Committee on Public Lands and Land Office.

Mr. Burnett introduced a bill to be entitled "An Act to incorporate the Galveston and Northeastern Railway Company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Burley introduced a bill to be entitled "An Act for the support and employment of the poor, and establishment of Houses of Correction."

Bill read first time and referred to Committee on State Affairs.

Mr. Chambers introduced a bill to be entitled "An Act to incorporate the Liberty County, Texas, Agricultural, Mechanical and Blood Stock Association."

Bill read first time and referred to Committee on Agriculture and Stock Raising.

Mr. Abbott, of Hill, introduced a bill to be entitled "An Act to authorize the Police Courts of this State to grant license to construct toll bridges and ferries.

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Moore, of Red River, offered the following resolution:

WHEREAS, Upon the introduction of a resolution, some time since, asking that a committee be appointed to inquire into and investigate the official conduct of Hon. A. Bledsoe, Comptroller of the State, and

Whereas, Since the introduction of said resolution, the Comptroller has respectfully and earnestly requested this body to take action in the case; and

Whereas, It is the sense of this body that said committee has had ample time to make said investigation, and report the same for action; therefore

Resolved That said committee is most respectfully and earnestly requested to report to-morrow morning the result of their investigations, to the end that the said Comptroller, if innocent, may be honorably discharged from any imputation that may, by inference, be

hanging over him; or, if guilty, he may be dealt with as a proper vindication of the laws of the State demand, and that the report of said committee be and is hereby made the special order for to-morrow at 11 o'clock, A. M.

MOORE,
Of Red River.

Resolution read first and second times.

Mr. Schutze moved to amend the resolution by striking out the words, "to-morrow at 11 o'clock, A. M," and inserting in lieu thereof the words, "Thursday at 10:30 A. M."

Amendment adopted.

The question recurring on the adoption of the resolution as amended it was adopted.

Mr. Plunkley introduced a bill to be entitled, "An Act to incorporate the Germania Club, of the city of Galveston."

Bill read first time and referred to Committee on Commerce and Manufactures.

Also, a bill to be entitled, "An Act to incorporate the Galveston Paving and Improvement Company."

Bill read first time and referred to Committee on State Affairs.

Mr. Ellis introduced a bill to be entitled, "An Act to incorporate the town of Quitman, in Wood county."

Bill read first time and referred to Committee on Town and City Corporations.

Mr. Jenkins introduced a bill to be entitled, "An Act to provide a pension for the surviving veterans of the Texas revolution."

Bill read first time and referred to Committee on Claims and Accounts.

Mr. Miller was excused from attendance on account of sickness.

Mr. Posey introduced a bill to be entitled, "An Act to incorporate Austin Hook and Ladder Company, No. 1, of the city of Austin."

Bill read first time and referred to Committee on Town and City Corporations.

Mr. Grouthaus introduced a bill to be entitled, "An Act to incorporate the Indianola and Powder Horn Dredging Company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Slaughter introduced a bill to be entitled, "An Act to establish the Sabine Pass and Red River Railway Company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Butler offered the following resolution:

Resolved, That the Speaker is hereby authorized and instructed

to cause ten pounds of ice to be purchased daily for each of the water stands in the House.

Resolution read first and second times.

Mr. Butler moved the previous question.

Previous question seconded.

The question then recurred, "Shall the main question be now put?"

Main question ordered.

The main question being on the adoption of the resolution offered by Mr. Butler, it was adopted.

Mr. Stirman offered the following resolution:

WHEREAS, The Legislature of 1866 passed an act requiring assessors and collectors of taxes to proceed to sell all lands upon which the taxes had not been paid, and to make deeds to the purchasers thereof; and

Whereas, Many citizens did purchase such lands in good faith, paying their money therefor, believing the State would make them deeds to the same; and

Whereas, The Commanding General of the Fifth Military District issued his order forbidding assessors and collectors from making deeds in such cases; therefore, be it

Resolved, That the Judiciary Committee be, and they are hereby instructed to inquire into the necessity of passing a law requiring assessors to make deeds to parties in such cases, and report by bill or otherwise.

Resolution read first and second times; and, on motion of Mr. Chambers, it was adopted.

Mr. Stockbridge introduced a bill to be entitled, "An Act authorizing the county courts of the several counties, as hereinafter named, to lay out and establish a first class State road from the eastern boundary line of the State of Texas via Crockett in Houston county, Centreville in Leon county, Bremond in Robertson county, Stoneham's ferry in Falls county, Belton in Bell county, to Lampasas Springs in Lampasas county."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. R. Allen introduced a bill for pension to surviving veterans of the Texan revolution.

Bill read first time and referred to Committee on Claims and Accounts.

Mr. Hamilton offered the following resolution:

Resolved, That the use of this hall be granted to Mr. G. W. Schoby next Friday night, to lecture on phonography in connection with common schools.

Resolution read first and second times.

Mr. Franks moved its reference to Committee on Agriculture and Stock Raising. Lost.

A message was received from the Senate, announcing that that body had passed House bill No. 80, to be entitled, "An Act to establish a State police, and provide for the regulation and government of the same."

Also, that the President of the Senate had signed, in open session, enrolled House bill No. 201, to be entitled, "An Act to provide for the appointment by the Governor of certain officers to fill vacancies."

The hour having arrived for the consideration of the special order of the day, on motion of Mr. Morrison it was postponed ten minutes.

Mr. Tegener moved a call of the House.

Call sustained.

Absent—Mr. Posey.

On motion of Mr. Cooper the call was suspended.

Mr. Cooper moved to amend the resolution offered by Mr. Hamilton, by striking out the word "Friday," and inserting in lieu thereof the word "Saturday." Carried.

The question being on the adoption of the resolution as amended, it was adopted.

The hour arrived for the consideration of the special order of the day, viz: House bill No. 297, to be entitled "An Act to suppress the carrying of deadly weapons, except in cases of self defense or lawful defense of the State."

Mr. Camp offered a substitute for the same.

Mr. Slaughter moved that House bill No. 297, with substitute, be referred to a special committee of seven, with instructions to report on or before Friday next. Carried.

The Speaker appointed Messrs. Burnett, Williams, of Colorado, Locke, Moore of Red River, Cooper, McLean and Hawkins such committee.

On motion of Mr. Butler, Mr. Camp was added to the special committee.

Substitute for Senate bill No. 155, to be entitled "An Act to provide for districting the State of Texas into judicial districts," was the next business in order under resolution adopted June 4.

Mr. McLean moved to amend section seven by inserting the word "Hopkins" after the word "Davis," and section eleven by striking out the word "Hopkins."

A message was received from the Senate, announcing that that body had passed House bill No. 21, to be entitled "An Act to incorporate the Texas Banking and Insurance Company."

Mr. Moore of Red River moved a call of the House.

Call sustained.

Absentees—Messrs. Gaston, Grothaus, Haswell, Spencer and Zapp.

On motion of Mr. Tegener the Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Butler the call of the House was suspended.

The question recurring on the adoption of the amendment offered by Mr. McLean, on motion of Mr. Slaughter the amendment was laid on the table.

The question then being on the amendment offered by the Judiciary Committee, to strike out the word "and" between the words "Upshur" and "Smith," and to add the words "and Rains" to section nine.

The amendment was adopted.

Mr. Abbott, of Hill, moved to amend section fourteen by adding the words "Hill and Navarro"

On motion of Mr. Franks the amendment was laid on the table.

Mr. Evans moved to amend section sixteen by striking out all after the word "Nueces," and inserting in lieu thereof the words "Refugio and San Patricio, and the following unorganized county shall be attached to this judicial district for judicial purposes, viz: Duval."

Amendment adopted.

The question being upon the third reading of the bill, the yeas and nays were demanded by Messrs. Austin, Abbott, of Hill, and Hawkins, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Richard Allen, Butler, Burley, Burnett, Bonner, Chambers, Cooper, Camp, Cox, Dupree, Ellis, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Jenkins, Kendall, Locke, Morrison, Morris McKee of Fannin, McKee of Guadalupe Mitchel, Mullins, Mellock, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Schlotman, Sheriff, Simmons, Slaughter, Smyth, Stinman, Stockdridge, Shelburne, Tegener Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller—53.

Nays—Messrs. Abbott of Hill, Beeton, Booty, Cole, Gaston, Hawkins, Johnson, Kyle, Lacy, Lane, Leonard, McLean, Miller, Robb, Ross—15.

So the bill was ordered to be read a third time.

On motion of Mr. Butler the rules were suspended, and substitute for Senate Bill No. 155, to be entitled "An Act to provide for distributing the State of Texas into judicial districts," was read the third time

The question being upon the final passage of the bill, the yeas and nays were demanded by Messrs. Leonard, Abbott of Hill and Hawkins, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Richard Allen, Butler, Burley, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Ellis, Franks, Gardiner, Grothaus, George, Hamilton, Johnson, Kendall, Locke, Morrison, Morris, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Schlotman, Schutze, Sheriff, Slaughter, Smyth, Stirman, Stockbridge, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zoeller—50.

Nays—Messrs. Abbott of Hill, Becton, Booty, Cole, Gaston, Hawkins, Jenkins, Kyle, Lane, Leonard, McLean, Miller, Robb, Ross, Shelburne—15.

So the bill passed and its title was agreed to.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM.
June 28, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: I have the honor to report that "An Act authorizing the Governor to appoint officers to fill vacancies" has this day been presented to the Governor for his approval.

W. G. ROBINSON, Chairman.

Report accepted.

Mr. Slaughter moved to adjourn until 10 A. M. to-morrow; upon which the yeas and nays were demanded by Messrs. Locke, Robinson and Chambers, and resulted as follows:

Yeas—Messrs. Austin, Allen, H. R., Becton, Butler, Booty, Cooper, Cole, Camp, Cox, Dupree, Franks, Gaston, Gardiner, Grothaus, George, Hamilton, Kendall, Lacy, Leonard, Morris, Mullins, Miller, Moore of Red River, Posey, Pierson, Prissick, Robb, Ross, Schlotman, Schutze, Sheriff, Simmons, Slaughter, Stockbridge, Spencer, Tegener, Van Noy, Williams of Colorado, Youngkin, Zoeller—40.

Nays—Messrs. Abbott of Hill, Burley, Burnett, Chambers, Cotton, Ellis, Jenkins, Kyle, Lane, Locke, Morrison, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Plumley, Robinson, Smyth, Stirman, Shelburne, Williams of Walker, Weaver of Johnson, York—24.

So the House at 12:20 o'clock P. M. adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, June 29, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; quorum present.

Absentees—Messrs. Abney and Moore of Harrison.

Mr. Kyle moved that the reading of yesterday's journal be dispensed with. Lost.

Journal of yesterday read and adopted.

Mr. Grothaus moved that the rules be suspended to take up a bill to be entitled "An Act to establish a Bureau of Immigration." Lost.

Mr. Moore of Harrison was excused from attendance on account of sickness.

Mr. Abney was excused from attendance indefinitely on account of sickness.

Mr. Cox was excused from attendance for to-morrow.

A message was received from the Senate announcing that that body had passed House bill No. 202, to be entitled "An Act permanently establishing the county seat of Hopkins county."

On motion of Mr. Slaughter, the rules were suspended to take up out of its regular order substitute for Senate bill No. 165, to be entitled "An Act making an appropriation for certain purposes."

Substitute for Senate bill No. 165 read first time and referred to Committee on Finance.

Mr. Sheriff moved a suspension of the rules to take up out of its regular order House bill No. 139. Lost.

Mr. Kyle moved a suspension of the rules to take up out of its regular order Senate bill No. 138. Lost.

Messrs. McKee of Guadalupe and Cox presented petitions signed by justices of the peace of Guadalupe, Gonzales, Blanco and Llano counties asking that the Legislature pass a law conferring upon justices of the peace exclusively the power of taking acknowledgements, etc.

Mr. Cox presented petitions signed by clerks of the District Court of Burnett and Blanco counties protesting against the passage of a law conferring upon justices of the peace exclusively the power of taking asknowledgments, etc.

Above mentioned petitions read and referred to Judiciary Committee.

At the request of the Chairman of the Judiciary Committee, the Speaker appointed Messrs. Cooper and Booty additional members of the same.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, June 29, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petition of a portion of the citizens of the counties of Cooke, Denton, Wise and Montague, praying for a new county, have had the same under consideration, and most respectfully ask to make the following report:

That upon examination they find that the counties out of which the said new county is proposed to be made are too sparsely populated, two of which, viz: Wise and Montague, would not contain more than one hundred and fifty voters:

Your Committee, therefore, deem it unadvisable at the present to interfere with the said counties, and return the petition and recommend that it be laid on the table.

COOPER,
Chairman.

Petition laid on the table.

Mr. Plumley, Chairman of Special Committee on Election Law, submitted the following report:

COMMITTEE ROOM,
June 29, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Special Committee, to whom was referred House bill No. 115, "An Act to provide for registration and elections," etc., having duly considered the same, respectfully report the following substitute for so much of said bill as relates to elections and the protection of the ballot-box, and recommend the adoption of the substitute and the passage of the same, and the committee ask to be discharged from further consideration of the subject.

Respectfully,

PLUMLEY,
Chairman of Special Committee.

Committee discharged and one hundred copies of bill ordered printed, and made the special order for eleven A. M. Tuesday next.

Mr. Burnett, Chairman of Special Committee to examine and report a bill relative to the carrying of deadly weapons, submitted the following report:

COMMITTEE ROOM,
June 29, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Special Committee, to whom was referred House bill No. 297, entitled "An Act to suppress the carrying of deadly weapons, except in cases of self-defense or lawful defense of the State," and also the bill offered by Hon. L. B. Camp as a substitute therefor, entitled "An Act to regulate the carrying of fire-arms," etc., having carefully considered the same and their subjects, have the honor to report herewith a bill entitled "An Act to regulate the keeping and bearing of deadly weapons," as a substitute for House bill No. 297, and respectfully recommend its passage. The substitute is the same as the original House bill, except section, five which is stricken out, and with such amendments thereto as the committee thought should be made.

Very respectfully,
BURNETT, Chairman.
CAMP,
COOPER,
WILLIAMS, of Colorado,
LOCKE,
McLEAN,
HAWKINS,
MOORE, of Red River.

Report and bill passed to special orders of the day.

Mr. Tegener introduced a bill to be entitled "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier, the erection and maintenance of a frontier telegraph, the organization of the Reserve Militia, and the organization, arming and equipment of the State Guards."

Bill read first time and referred to Committee on Finance.

Mr. Spencer introduced a bill to be entitled "An Act for the relief of E. B. Barton and others."

Bill read first time and referred to Committee on Agriculture and Stock Raising.

Also a bill to be entitled "An Act to provide for the obtaining and transcribing of the several acts or charters founding the towns of Reinosa, Camargo, Mier and Guerrero, in the Republic of Mexico, and of Laredo, in Texas.

Bill read first time and referred to Committee on State Affairs.

Mr. Burley presented a petition signed by citizens of Falls,

Robertson and Limestone counties, asking the creation of a new county, to be called Bremond.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Plumley introduced a bill to be entitled "An Act to incorporate the Texas Land and Mining Company."

Bill read first time and referred to Committee on State Affairs.

Mr. Schlotman introduced a bill to be entitled "An Act to incorporate the Chappell Hill Agricultural and Immigration Society."

Bill read the first time and referred to Committee on Immigration.

Mr. Mullins offered the following resolution:

Resolved, That the use of this hall be and is hereby granted for the purpose of a ball for members and citizens, to be held on Monday night next.

Resolution read first and second times.

Mr. Burnett moved to lay the resolution on the table.

Upon which motion the yeas and nays were called for by Messrs. Burnett, Mullins and Slaughter, and resulted as follows:

Yeas—Messrs. Abbott of Austin, R. Allen, Abbott of Hill, Burnett, Bonner, Cotton, Ellis, Gaston, George, Hamilton, Hawkins, Kyle, Lane, Leonard, Locke, Manning, McLean, McKee of Fannin, Miller, Pierson, Prissick, Robb, Ross, Sheriff, Smyth, Stirman, Shelburne, Van Noy, Weaver of Johnson, Williams of Colorado, York—31.

Nays—Messrs. Austin, H. R. Allen, Becton, Burley, Booty, Chambers, Cooper, Camp, Cox, Dupree, Franks, Gardiner, Grothaus, Harn, Haswell, Johnson, Jenkins, Kendall, Lacy, Morrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Posey, Plumley, Robinson, Schlotman, Schutze, Simmons, Slaughter, Stockbridge, Spencer, Tegener, Williams of Walker, Youngkin, Zapp, Zoeller—40.

So the House refused to lay the resolution on the table.

Mr. Butler moved the previous question.

Previous question seconded.

The question then recurred, "Shall the main question be now put?" Main question ordered.

The main question being on the adoption of the resolution offered by Mr. Mullins, the yeas and nays were called for by Messrs. Moore of Red River, Tegener and Zoeller, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Butler, Burley, Chambers, Cooper, Camp, Cox, Dupree, Gardiner, Grothaus, Harn, Johnson, Jenkins, Kyle, Kendall, Lacy, Morrison, Morris,

McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Posey, Plumley, Robb, Robinson, Schlotman, Schutze, Sheriff, Simmons, Slaughter, Stockbridge, Spencer, Tegener, Weaver of Johnson, Youngkin, Zapp, Zoeller—40.

Nays—Messrs. Austin, R. Allen, Abbott of Hill, Becton, Booty, Burnett, Bonner, Cotton, Ellis, Gaston, George, Hamilton, Hawkins, Lane, Leonard, Locke, Manning, McLean, McKee of Fannin, Moore of Red River, Pierson, Prissick, Ross, Smyth, Stirman, Shelburne, Van Noy, Williams of Walker, Williams of Colorado, York—30.

So the resolution was adopted.

Mr. Chambers was excused from attendance on account of sickness.

The hour arrived for the consideration of the special order of the day, viz: House bill No. 297, to be entitled, "An Act to suppress the carrying of deadly weapons, except in cases of self-defense, or lawful defense of the State," and substitute therefor.

On motion of Mr. Burnett the substitute offered by Mr. Camp was laid on the table.

Substitute reported by Special Committee was then read.

Mr. Slaughter moved that the bill and substitute be recommitted to a special committee of five, to be appointed by the Chair.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
June 29, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined House bill No. 21, and House bill No. 80, and find the same to be correctly enrolled.

W. G. ROBINSON,
Chairman Committee.

Report accepted.

The question being upon the motion to recommit the bill and substitute to a special committee of five, the yeas and nays were called for by Messrs. Schutze, Dupree and Mullins, and resulted as follows:

Yeas—Messrs. Austin, Butler, Cotton, Dupree, Grothaus, Hamilton, Hawkins, Kyle, Kendall, Mullins, Miller, Pierson, Robb, Ross, Schlickum, Schutze, Slaughter, Tegener, York, Zoeller—20.

Nays—Messrs. Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Bonner, Cooper, Camp, Cox, Ellis, Franks, Gardiner, George, Harn, Johnson, Jenkins, Lacy, Lane, Leonard, Locke, Manning, Morrison, Morris, McLean, McKee

of Fannin, McKee of Guadalupe, Mitchel, Medlock, Moore of Red River, Posey, Plumley, Prissick, Robinson, Schlotman, Simmons, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Youngkin, Zapp—48.

So the House refused to recommit the bill and substitute.

Mr. Butler moved to amend section one by inserting after the words "fifty dollars" the following:

"And in every case of fine under this section, where the arrest is made on information of a citizen, he shall be entitled to and receive one-half of the fine collected, and when the officer arrests on his own information he shall be entitled to and receive one-half of the fine collected."

Amendment adopted.

Mr. Slaughter moved to amend section one by striking out all after the words "guilty of" and to insert in lieu thereof the following:

"Felony, and on conviction thereof shall be imprisoned in the penitentiary no less than one or more than three years."

Mr. Miller moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Slaughter, Tegener and Williams of Walker, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Abbott of Hill, Butler, Burley, Booty, Burnett, Cooper, Camp, Cox, Ellis, Franks, Gardiner, George, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Manning, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Plumley, Prissick, Robb, Robinson, Sheriff, Smyth, Stirman, Shelburne, Spencer, Van Noy, Williams of Walker, Williams of Colorado, Weaver of Johnson, Youngkin, Zapp—47.

Nays—Messrs. Bonner, Cotton, Dupree, Grothaus, Harn, Kendall, Mitchel, Mullins, Medlock, Posey, Pierson, Ross, Schlickum, Schlotman, Schutze, Simmons, Slaughter, Stockbridge, Tegener, York, Zoeller—21.

So the amendment was laid on the table.

Mr. Schutze moved to amend section one by striking out the words "unless he has a reasonable ground of fearing an unlawful attack on his person or property" after the word "defense."

On motion of Mr. Plumley the House, at 12:50 P. M., adjourned

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, June 30, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absent—Mr. Moore of Harrison.

On motion of Mr. Franks the reading of yesterday's journal was dispensed with.

Messrs. Grothaus, Miller and McKee of Guadalupe presented petitions, signed by clerks of the District Courts of Calhoun, Travis and Guadalupe counties, protesting against the passage of a law conferring upon justices' of the peace exclusively the power of taking acknowledgments. etc.

Mr. Franks presented the petition of Edward Collier, District Attorney of the First Judicial District, for relief.

Above mentioned petitions read and referred to Judiciary Committee.

Mr. Slaughter, Chairman of Committee on Finance, submitted the following reports:

COMMITTEE ROOM,
Austin, June 30, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Finance, to whom was referred "An Act to incorporate the Houston Real Estate and Banking Company," have examined said bill, and have instructed me to report favorably, and to recommend its passage.

Respectfully submitted,
SLAUGHTER.

COMMITTEE ROOM,
Austin, June 28, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives.

Your Committee on Finance, to whom was referred Senate bill No. 165, making appropriations for certain purposes therein named, have examined the same, and find that it is proper and just that the Senate bill should pass. We therefore recommend the passage of the bill.

Respectfully submitted,
SLAUGHTER.

Reports and bills passed to orders of the day.

Mr Tegener, Chairman of Committee on Indian Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, June 29, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Indian Affairs, to whom was referred House bill 324, entitled, "An Act supplementary to an act, entitled 'An Act to provide for the protection of the frontier,'" approved June 13, 1870, have carefully examined the above named bill, and recommend its passage.

Very respectfully,
FRITZ TEGENER,
Chairman Committee on Indian Affairs.

Report and bill passed to orders of the day.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, June 30, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petition of a portion of the citizens of Falls county, praying for a division of said county, have had the same under consideration, and most respectfully ask leave to make the following report:

That your committee, after hearing all the evidence accessible to them, are of the opinion that the citizens in said Falls county, on the west side of Brazos river, labor under great inconvenience and many disadvantages in having to cross the said river and its bottoms, in attending court in Marlin, the county site of said county, which is situated on the east side of said river. But your committee is informed that the county is now largely in debt, and should said county be divided, as prayed for, it will necessitate the removal of the county site for the eastern county, because it would then be in five miles of the county line, and in doing so the county would have to contract such a debt that it would, in all probability, never be able to pay. And in addition to all this, your committee is informed that the Waco Tap Railroad will run through said Falls county and have a depot in Marlin, the present county site, and the difficulties and disadvantages that the citizens on the west side of the river labor under will be lessened to a great degree; therefore, your

committee think a division of said county impracticable at the present time, and most respectfully ask that said petition be laid on the table, and your committee be discharged from the further consideration of the same.

COOPER,
Chairman.

Petition laid on the table and committee discharged from further consideration of the subject.

Mr. Camp, Chairman of Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,
June 30, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Lands and Land Office, to whom was referred an act entitled "An Act to extend the time for the location of certain land certificates," have had the same under consideration, and respectfully report that, in view of the fact that by the intervention of the rebellion, the location of valid land certificates, especially in the hands of non-residents, was prevented within the time prescribed by the act of March, 2, 1861. The Constitutional Convention of 1868 passed an ordinance granting to the holders of valid certificates the right to the extension provided for by this bill; that such declaration, of which this bill is simply confirmatory, merely places certificates which were excluded by the act of March 2, 1861, in the same class as those issued subsequently; that the restriction of the location of the former to one year after the passage of this act, does not place them upon the same footing as those subsequently issued, in every respect, for these latter are subject to location up to the first day of January, 1875, thereby giving them the preference of over three years over those contemplated in the act. Your committee are not able to find that any injury can be worked to the State by the passage of this bill; and it may be the means of preventing injury to individuals who have held the certificates in good faith, and been unable to locate them.

Your committee are of opinion that the issuance of a land certificate to any individual is a contract with such individual by the State for the sale of so many acres of land, and that the State should be very cautious in limiting the time for the location of such certificate. In other words, that the limiting of the time for the location of the certificate savors strongly of the introduction by the State of a condition into the contract of sale, which formed no part of the contract at the time it was made. Your committee are therefore of the opinion that the necessary time should be given for the

location of all land certificates, and therefore report back the bill, with the recommendation that it be passed.

L. B. CAMP,
Chairman Committee.

Report and bill passed to order of the day.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, June 30, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Enrolled Bills, having examined "An Act permanently establishing the county seat of Hopkins county," ask leave to report the same as correctly enrolled.

ROBINSON,
Chairman.

Report accepted.

Mr. Franks introduced a bill to be entitled "An Act to enforce the attendance of witnesses in all cases whereof the State of Texas is a party."

Bill read first time and referred to Judiciary Committee.

Also, a bill to be entitled "An Act to amend the forty-third section of the act authorizing and granting the writ of original attachment."

Bill read first time and referred to Judiciary Committee.

Mr. Simmons introduced a bill to be entitled "An Act to incorporate the Texas State Medical Association."

Mr. Simmons moved that the bill be referred to a select committee. Carried.

Mr. Stockbridge introduced a bill to be entitled "An Act for the relief of the Houston and Texas Central Railway Company."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Zoeller introduced a bill to be entitled "An Act appropriating money to pay the expenses of arming and maintaining ranging companies on the frontier; to pay for the erection and maintenance of a military frontier telegraph, and to pay the expense of organizing, arming and equiping the State Guard."

Bill read first time and referred to Committee on Finance.

The Speaker laid before the House a bill to be entitled "An Act to define, establish and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces."

Bill read first time and referred to Committee on Counties and County Boundaries.

Mr. Richard Allen introduced a bill to be entitled "An Act to register children and heads of families."

Bill read first time and referred to Committee on State Affairs.

Mr. Richard Allen offered the following resolution:

Be it resolved, That the Committee on Education is hereby requested to report a bill for the consideration of the House providing a system of public instruction as soon as practicable.

Resolution read first and second times, and, on motion of Mr. Richard Allen, it was adopted.

The hour having arrived for the consideration of the special order of the day, viz: "The report of special committee appointed to inquire into the official conduct of Comptroller of Public Accounts," on motion of Mr. Zoeller it was postponed fifteen minutes.

Mr. Cooper introduced a bill to be entitled "An Act to amend the laws of descent and distribution so as to comply with the Constitution of the State."

Bill read first time and referred to Judiciary Committee.

Mr. Leonard introduced a bill to be entitled "An Act to incorporate the West Fork Male and Female Baptist College."

Bill read first time and referred to Committee on Education.

Also a bill to be entitled "An Act to prohibit the sale of spirituous, vinous and other intoxicating liquors, and the establishment of gambling houses and houses of ill-fame, in certain limits."

Bill read first time and referred to Committee on Education.

A message was received from the Senate announcing that that body had concurred in House amendments to substitute for Senate bill No. 155, to be entitled "An Act to provide for districting the State of Texas into judicial districts;" also that the Senate had passed House bill No. 54, to be entitled "An Act for the relief of the East Texas Agricultural and Mechanical Association;" also that the Senate had passed Senate bill No. 40, to be entitled "An Act to provide for permanently locating the county seat of Robertson county;" and Senate bill No. 172, to be entitled "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company," asking the concurrence of the House in the same.

Mr. Morrison introduced a bill to be entitled "An Act to incorporate the Bolivar Point, Eastern Texas and Red River Railroad."

Bill read first time and referred to Committee on Internal Improvements.

Mr. Sinclair introduced a bill to be entitled "An Act to incorporate the Bean's Wharf Warehouse and Cotton Compress Company of the city of Galveston."

Bill read first time and referred to Committee on Commerce and Manufactures.

Also, a bill to be entitled "An Act to incorporate the Galveston Hibernian Benevolent Association."

Bill read first time and referred to Committee on State Affairs.

Mr. Shelburne introduced a bill to prevent the destruction of private property on the public highway.

Bill read first time and referred to Judiciary Committee.

Mr. Lane introduced a bill to be entitled "An Act to authorize and require the clerks of the district courts to apportion the causes on the dockets of said courts."

Bill read first time and referred to Judiciary Committee.

Mr. Smyth introduced a bill to be entitled "An Act to incorporate the Agricultural, Mechanical and Blood Stock Association of Jasper, Texas."

Bill read first time and referred to Committee on Agriculture and Stock Raising.

Mr. Bonner moved a suspension of the rules to take up, out of its regular order, House bill No. 192, to put it on its second reading. Lost.

Mr. Jenkins introduced a bill to be entitled "An Act to incorporate the Gatesville Bridge Company, and to authorize the County Court of Coryell county to levy and collect a special tax to build the same."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Miller moved a suspension of the rules to take up, out of its regular order, House bill No. 85, to be entitled "An Act to incorporate the Belton Bridge Company," to put the same on its second reading.

Mr. Cooper moved a call of the House.

Call sustained.

Absentees—Messrs. Burnett, Chambers, Johnson, Moore of Harrison, Posey, Robb, Schutze, Slaughter, Williams of Colorado, and Young.

On motion of Mr. Butler the call was suspended.

Mr. Moore, of Harrison, was excused from attendance.

The question being on the motion of Mr. Miller to suspend the rules, they were suspended, and House bill No. 85 was read the second time.

On motion of Mr. Moore, of Red River, the special order was further postponed for fifteen minutes.

Mr. McKee, of Guadalupe, moved to amend section one by inserting the names of Jo. L. Wallace and L. M. Houston after the name

of D. R. Hill. Amendment adopted. House bill No. 85 was then ordered to be engrossed and read the third time.

Mr. Plumley gave notice that he would offer a resolution changing the rule relative to the order of business.

By leave of the House Mr. Schutze, Chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
June 28, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee to whom was referred House bill No. 323, entitled, "An Act to incorporate the Bayou City Bank," have had the same under careful consideration, and would most respectfully beg leave to report the same back, with the recommendation that the same do pass.

JULIUS SCHUTZE,
Chairman.

Report and bill passed to orders of the day.

Mr. Cooper moved that the special order, viz: receiving and considering the report of the Special Committee appointed to inquire into the official conduct of the Comptroller, be postponed until 10:30 A. M., to-morrow. Lost.

A message was received from the Senate, announcing that the President of the same had signed in open session enrolled House bill No. 21, to be entitled, "An Act incorporating the Texas Bank and Insurance Company;" and enrolled House bill No. 202, to be entitled, "An Act permanently establishing the county seat of Hopkins county."

Also, that the Senate had passed Senate bill No. 76, to be entitled, "An Act to authorize the Police Court of Washington county to levy a special tax for building a jail at the county seat," asking the concurrence of the House in the same.

The hour arrived for the consideration of the business under resolution adopted June 4.

The question pending at adjournment yesterday was on the amendment offered by Mr. Schutze to strike out the words, "unless he has a reasonable ground of fearing an unlawful attack on his person or property," after the word "defense," in substitute for House bill No. 297, to be entitled, "An Act to suppress the carrying of deadly weapons, except in cases of self-defense, or lawful defense of the State."

Mr. Locke moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Butler, Schutze and Robb, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Ellis, Franks, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Manning, Morris, McLean, McKee of Fannin, Medlock, Miller, Moore of Red River, Posey, Pierson, Prissick, Robb, Ross, Schutze, Simmons, Smyth, Stirman, Shelburne, Spencer—41.

Nays—Messrs. H. R. Allen, Richard Allen, Butler, Bonner, Dupree, Dorris, Gaston, Gardiner, Grothaus, George, Haswell, Mitchel, Mullins, Schlickum, Sheriff, Sinclair, Slaughter, Tegener, Van Noy, Williams of Walker, Williams of Colorado, Zapp, Zoeller—23.

So the amendment was laid on the table.

Mr. Schutze moved to reconsider the vote just taken. Lost.

A message was received from the Senate announcing that the President of the same had signed in open session enrolled House bill No. 80, to be entitled an "An Act to establish a State police, and provide for the regulation and government of same," and that the Senate had passed House bill No. 26, to be entitled "An Act to incorporate the Galveston Bay Dredging Company, for the purpose of opening the mouth of Trinity River."

Mr. Slaughter moved that House bill No. 297 be recommitted to a special committee of five.

Upon which motion the yeas and nays were called for by Messrs. Burnett, Moore of Red River, and Schutze, and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Dupree, Dorris, Ellis, Franks, Gardiner, Harn, Hamilton, Kendall, McKee of Fannin, Mitchel, Mullins, Medlock, Robb. Schlickum, Schutze, Sheriff, Simmons, Slaughter, Tegener, York, Zoeller—23.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Gaston, Grothaus, George, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Manning, McLean, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Ross, Schlotman, Sinclair, Smyth, Stirman, Shelburne, Spencer, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, Youngkin, Zapp—46.

So the House refused to recommit the bill.

Mr. Robinson moved to amend section one by inserting after the word "courage" the following, "and that the weapon so carried was borne openly, and not concealed beneath the clothing."

Mr. Chambers moved to lay the amendment on the table.

Upon which motion the yeas and nays were called for by Messrs. Butler, Dupree and Mullins, and resulted as follows:

Yeas—Messrs. Austin, Booty, Bonner, Chambers, Cooper, Cotton, Camp, Dorris, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Manning, McLean, McKee of Fannin, McKee of Guadalupe, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robb, Schlotman, Slaughter, Smyth, Stirman, Weaver of Johnson—32.

Nays—Messrs. Abbott of Austin, Richard Allen, Abbott of Hill, Butler, Burley, Burnett, Cox, Dupree, Franks, Gardiner, Grothaus, George, Hamilton, Kendall, Locke, Mitchel, Mullins, Robinson, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp, Zoeller—35.

So the House refused to lay the amendment on the table.

The question recurring upon the adoption of the amendment offered by Mr. Robinson, it was adopted.

Mr. R. Allen moved to amend section one by striking out the words "not less than ten nor more than fifty," and insert in lieu thereof the words "not less than fifty nor more than one hundred."

On motion of Mr. Pierson the amendment was laid on the table.

Mr. Dorris moved to amend section two by inserting after the word "property," the words, "with pistol or bowie knife."

On motion of Mr. B. F. Williams the amendment was laid on the table.

Mr. Schutze moved to amend section two by inserting after the word "clothing" the words "and that he had given notice to the nearest justice of the peace that he carried such deadly weapon through fear of an unlawful attack on his person or property, naming in such notice the party or parties from whom he feared such unlawful attack."

Amendment adopted.

By leave, Mr. Young, Chairman of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
Austin, June 29, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred a bill entitled "An Act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same," have bestowed upon said bill that close and deliberate consideration demanded, in their opinion, by the importance of the subject, and would respectfully propose as a substitute for the original bill the accompanying act, and recommend its passage.

Your committee consider this bill preferable to others in relation to the point of a probable earlier connection by this road, when built, with the railroad system of the United States.

Very respectfully,

H. W. YOUNG,
Chairman of Committee.

Report, bill and substitute passed to orders of the day.

The Speaker announced the following as the committee for the consideration of House bill No. 349, to be entitled "An Act to incorporate the Texas State Medical Association," viz:

Messrs Simmons, Robinson, Tinsley, Becton and J. R. McKee.

Mr. Slaughter moved to adjourn until 10 o'clock, A. M., to-morrow, upon which motion the yeas and nays were called for by Messrs. Dorris, Burnett and Robinson, and resulted as follows:

Yeas--Messrs. Austin, Abbott of Austin, R. Allen, Becton, Burley Booty, Franks, Gaston, Gardiner, George, Harn, Hamilton, Haswell, Johnson, Kendall, Lane, McKee of Fannin, Mullins, Miller, Moore of Red River, Posey, Robb, Schlickum, Schlotman, Sheriff, Slaughter, Stockbridge, Spencer, Van Noy, Weaver of Johnson, Williams of Colorado, Young, Youngkin—33.

Nays—Messrs. Abbott of Hill, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Grothaus, Hawkins, Kyle, Lacy, Leonard, Locke, Manning, Morris, McLean, McKee of Guadalupe, Mitchel, Medlock, Pierson, Plumley, Prissick, Robinson, Schutze, Simmons, Smyth, Stirman, Shelburne, Tegener, Williams of Walker, York, Zapp, Zoeller—36.

So the House refused to adjourn.

Mr. Slaughter moved to amend section three by striking out all after the words "he shall be guilty of a" and inserting in lieu thereof the words "felony, and upon conviction thereof shall be imprisoned in the penitentiary for a period of not less than one nor more than three years."

Mr. Cooper moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Kyle, Miller and Slaughter, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Butler, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Gaston, Gardiner Grothaus, George, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Manning, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Moore of Red River, Posey, Plumley, Prissick, Robb, Robinson, Ross, Schlotman, Sheriff, Simmons, Sinclair, Smyth, Stirman, Shelburne, Spencer, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp--53.

Nays—Messrs. Abbott of Austin, R. Allen, Dupree, Dorris, Hawkins, Mullins, Miller, Pierson, Schlickum, Slaughter, Stockbridge, Zoeller—12.

So the amendment was laid on the table.

On motion of Mr. Haswell, the House, at 12:40 P. M., adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, July 1, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called. Quorum present.

Absent—Mr. Chambers.

On motion of Mr. Jenkins Mr. Chambers was excused from attendance on account of sickness.

On motion of Mr. Slaughter the reading of yesterday's journal was dispensed with.

The Speaker laid before the House a petition signed by A. Carle, asking a law passed conferring upon justices of the peace, exclusively, the power of taking acknowledgments, etc.

Messrs. Sinclair and B. F. Williams presented petitions signed by the district clerks of Galveston and Colorado counties, protesting against the passage of a law conferring upon justices of the peace, exclusively, the power of taking acknowledgments, etc.

Above mentioned petitions read and referred to Judiciary Committee.

The Speaker laid before the House the petition of citizens of Karnes county, asking the passage of a law authorizing the Police Court to levy and collect a special tax to build a courthouse and jail.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Becton presented the petition of Nancy Craig, praying for relief.

Petition read and referred to Committee on Public Lands and Land Office.

Mr. Camp, Chairman of Committee on Public Lands and Land Office, submitted the following reports:

COMMITTEE ROOM,
Austin, July 1, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 305, have had the same under consideration and most respectfully beg leave to make the following report:

That a general bill has been introduced and recommended by your committee, providing for all settlers on public lands, in accordance with the State Constitution.

Therefore, your committee returns said bill and asks that it be

laid on the table, and your committee discharged from the further consideration of the same.

CAMP,
Chairman.

COMMITTEE ROOM,
Austin, July 1, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 329, have had the same under consideration and most respectfully beg leave to make the following report: That after hearing all the proof, they believe said bill is meritorious. Therefore they return said bill and highly recommend its passage.

CAMP,
Chairman.

Reports and bills passed to orders of the day.

Mr. Locke, Chairman of Committee on Agriculture and Stock Raising, submitted the following report:

COMMITTEE ROOM,
Austin, June 30, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives.:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 331, entitled "An Act to incorporate the Liberty County, Texas, Agricultural, Mechanical and Blood Stock Association," having had the same under consideration, most respectfully report the same back as amended. Amend section two, line fifteen; after the word "State," insert "provided nothing herein contained shall infringe upon the rights of patentees," and recommend its passage.

Very respectfully,

LOCKE,
Chairman of Committee.

Report and bill passed to orders of the day.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following reports:

COMMITTEE ROOM,
Austin, July 1, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petition of the citizens of a portion of Guada-

lupe county, asking that their county line be changed, have had the same under consideration, and after hearing all the proof accessible to them, most respectfully beg leave to make the following report: That a number of citizens are inconveniently situated, is admitted by your committee, and if the line of said county was changed, as prayed for, said citizens would be more conveniently situated. But Guadalupe county is owing a heavy debt, and the proposed line would cut off from Guadalupe county a number of large tax-payers who have been the beneficiaries of said debt; therefore your committee believes it wrong in principle to release said tax-payers from paying their proportionable part of said debt, and believe that said change ought not now to be made.

Therefore your committee returns said petition, and most respectfully ask that it be laid on the table, and your committee be discharged from the further consideration of the same.

COOPER,
Chairman.

COMMITTEE ROOM,
July 1, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petition of a portion of the citizens of Robertson, Limestone and Falls counties, praying for the creation of a new county, to be called Bremond, have had the same under consideration, and most respectfully ask leave to make the following report:

That your committee has investigated the subject as fully and thoroughly as their limited means would permit, and find that it would be convenient and very agreeable to the citizens living in and around the town of Bremond. But at the same time your committee is informed that Falls county is largely in debt, and the part of said county desired to be taken for said Bremond county contains some large tax-payers, and said Falls county can not spare said tax payers. Your committee also finds that it will take a large and wealthy portion of Robertson county, and thereby prevent the citizens of said Robertson county from having the county site where it now stands, or at Calvert, where a large majority of its citizens desire it. The citizens of Limestone county having agreed to give off a portion of her territory on another portion of the county, strenuously oppose giving the part desired for said Bremond county. Your committee, ever looking to the greatest good to the greatest number, believe it to be inexpedient and impracticable to grant said new county.

Therefore your committee returns said petition, and most respect-

fully ask that it be laid on the table, and your committee be discharged from further consideration of the same.

COOPER,
Chairman.

Petitions laid on the table, and committee discharged from further consideration of the subjects.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
June 30, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 315, entitled "An Act to incorporate the town of Round Top, in Fayette county, having carefully considered the same, beg leave to return the same back with the following amendments, to-wit:

In article third, last line, after the word "elections" add the following, "and no property qualification for voters shall ever be required."

Also, in article sixth, the seventh line, after the word "dollars" add the words "per annum."

Also, in article thirteenth, second line, after the word "passage" add the words "subject to the provisions of an act entitled 'An Act to authorize the Governor to appoint certain officers to fill vacancies' passed by this Legislature."

And said bill as thus amended, your committee recommend that it do pass.

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. Youngkin, Chairman of Committee on Roads, Bridges and Ferries, submitted the following report:

COMMITTEE ROOM,
Austin, June 30, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill 339, entitled, "An Act authorizing the county courts of several counties therein named to lay out and establish a first class State road from the eastern boundary line of the State of Texas, via Crockett, in Houston county; Centreville, in Leon county; Bremond, in Robertson county; Stoneham's Ferry, in Falls county; Belton, in Bell county, to Lampasas

Springs, in Lampasas county, having had the same under consideration, beg leave to report back the following amendment:

That section five of said bill be so amended as to read as follows: "that said road shall be entitled to sixty feet in width," instead of "eighty feet."

With such amendment, recommend the passage of the bill.

Respectfully,

YOUNGKIN,
Chairman.

Report and bill passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
July 1, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills, to whom was referred House bill No. 85, having carefully examined, have the honor to report back the same as correctly engrossed.

Very respectfully,
Your obedient servant,
STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, July 1, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined "An Act for the relief of the East Texas Agricultural and Mechanical Association," and find the same to be correctly enrolled.

W. G. ROBINSON,
Chairman Committee on Enrolled Bills.

COMMITTEE ROOM,
June 30, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

I have the honor to report that House bills Nos. 21 and 80, and "An Act to permanently establish the county seat of Hopkins

county," have, this day, been presented to his Excellency, the Governor, for his approval.

W. G. ROBINSON,
Chairman Committee on Enrolled Bills.

Report accepted.

A message was received from the Senate announcing that that body had passed House bill No. 298, to be entitled "An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas;" also requesting the signature of the Speaker to enrolled Senate bill to be entitled "An Act to provide for districting the State of Texas into judicial districts."

Senate enrolled bill was presented to the Speaker and signed by him.

Mr. Slaughter, Chairman of Special Committee to inquire into the official conduct of the Comptroller of the State, submitted the following report:

COMMITTEE ROOM,
June 30, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your special committee appointed to investigate the conduct of the Comptroller, have the honor to report that they have carefully performed that duty, and submit as the result of such investigations the following facts:

It appears that in all charges against the Comptroller, he has acted with the advice of the Attorney-General, save those hereinafter specified.

The Governor, on one occasion, was refused payment of his salary for a short while upon some supposed technicality in the order making appropriations for his payment; this was, however, afterwards paid.

From the Comptroller's own statement we give the following facts of the matter of Mr. Butler:

The Comptroller was informed that most probably Mr. Butler held two positions of trust, profit and honor, the one under the Federal Government, the other under this State. Least such might be the case, and our State constitution violated, the Comptroller assumed the duty and telegraphed Mr. M. C. Hamilton at Washington for information. Mr. Hamilton's reply seems to have convinced the Comptroller affirmatively. Whereupon he assumed in his official capacity the prosecution of Mr. Butler. Before the Comptroller took action, however, either toward prosecuting or telegraphing for information, he persistently refused to pay the per diem due Mr. Butler, which was properly presented and authenticated with

the signature of the clerk of the House and Speaker. In the meanwhile this House acted upon and determined the eligibility of Mr. Butler affirmatively. The Comptroller refusing to recognize that clause of the constitution which makes each House the judge of the qualification of its members, still refused, after the action of this body, to pay Mr. Butler's account.

The Comptroller states that he prosecuted Mr. Butler in his official capacity, and expects the State to pay all expenses, together with that for telegraphing. He also placed the matter in the hands of some district attorney not of this judicial district, authorizing said district attorney if he thought it necessary in order to secure conviction to procure additional counsel as he did not want a failure.

The Attorney General was never consulted on this subject until after the prosecution was begun.

Said Comptroller also refused to pay the account of Judge Walker of the Supreme Bench.

The opinion of the Attorney General was asked and given affirmatively; the Comptroller, however, still refused. 'Tis true the Attorney General afterwards withdrew his opinion, but such withdrawal does not change the attitude of the Comptroller, whose animosity seems to have been aroused toward Judge Walker, because that Judge released Mr. Butler upon a writ of *habeas corpus*.

These are the most important and prominent of the Comptroller's misdeeds. There are others of a smaller character, such as closing the office before the days' work was half completed, etc., that may require legislation to remedy, with all the State offices, but which your committee deem irrelevant, or side questions.

In conclusion your committee have to say that while they cannot believe the foregoing sufficient to guarantee them in reporting favorable to impeachment, yet they regard the conduct of A. Bledsoe, Comptroller, highly reprehensible, and without the pale of law.

Your committee do not believe him actuated by dishonest motives, but rather regard his conduct as the offspring of malice, and his errors those of a lack of information; therefore your committee ask the adoption of the above report, and ask to be discharged from further consideration of the subject.

SLAUGHTER,
Chairman.

The undersigned, members of the committee, while they do not make any issue as to the statement of facts made in the foregoing report, do not believe that the Comptroller was prompted by other than honest motives. We believe, however, that his prosecution of

our colleague (Mr. Butler), which he assumed to make in his official capacity, was unauthorized by law.

Very respectfully,

WILLIAMS of Colorado,
BURNETT.

Mr. Posey, from the special committee to inquire into the official conduct of the Comptroller of the State, submitted the following report:

— COMMITTEE ROOM,
Austin, July 1, 1870.

Hon. IRA H. EVANS,

Speaker of the House of Representatives:

SIR: The undersigned, members of your special committee, appointed to inquire into the official conduct of the Hon. A. Bledsoe, Comptroller of Public Accounts, disagreeing with the other members of said committee, respectfully make the following minority report:

The only matter or action of said officer, that has been considered by your committee, is his action in refusing to pay the pay certificate of Hon. J. P. Butler for services as a member of the lower house of the Legislature. We find that the first account of said member, acted on by the Comptroller, was one given May 12, 1870, for $136 per diem, and for mileage for 410 miles, at $8 for every twenty-five miles, making $136; on which account we find the following endorsement of the Comptroller:

"The Comptroller believes the clause in the concurrent resolution in relation to mileage, passed on the thirteenth May, 1870, and approved same day, 'That for every fraction of mileage under twenty-five miles, one day's pay be additionally computed,' to be unconstitutional and therefore void. See sections twenty-eight and thirty-five, constitution of the State of Texas.

[Signed] "A. BLEDSOE,
"Comptroller."

On May twenty-fourth, 1870, the Comptroller made the following endorsement on or in reference to said account:

"This account can be paid as follows: For per diem, seventeen days, at $8, $136 00; mileage four hundred and ten miles at the rate of $8 for every twenty-five miles, $131 20 ($267 20 instead of $272), if it be shown that to pay the same would not be a violation of section forty-two, article twelve, of the constitution.

[Signed] "A. BLEDSOE,
"Comptroller."

Which the honorable member (J. P. Butler) answered as follows:

"All right.

[Signed] "J. P. BUTLER."

On same day the Comptroller addressed the following note to the Hon. J. P. Butler:

"Hon. J. P. BUTLER, House of Representatives:

SIR: The enclosed account will be paid upon your statement that you do not hold two offices.

"Very respectfully,

[Signed] "A. BLEDSOE,
"Comptroller."

Which was answered:

"I hold no office, Federal or State, but member of the State Legislature.

[Signed] "J. P. BUTLER."

On which statement of the honorable member the Comptroller audited the account for $267 20. The second account acted on was one of date June 1, 1870, for $159 68. Mr. George C. Rives, Chief Clerk of the Comptroller's office, at the direction of the Comptroller, sent the following telegram to Hon. M. C. Hamilton, United States Senator:

"Is J. P. Butler an officer of the United States?"

Which was answered by the honorable Senator:

"Jas. P. Butler is collector of the port of Brownsville, confirmed, commissioned and bonded."

The Comptroller also had a telegram from J. F. Hartley, Assistant Secretary of the Treasury, that "Mr. Butler had qualified and entered upon duty," and also had certified copies of his (Mr. Butler's commission) bond and oath of office. On which evidence he rejected the account, and made this statement of his reasons for so doing, and appended this statement June 7, 1870, to the account:

"The Comptroller is informed by Hon. M. C. Hamilton, United States Senator, under date of twenty-eighth ultimo, that Jas. P. Butler is collector of the Port of Brownsville, confirmed, commissioned and bonded.

"The Comptroller has also in his possession a telegram from J. F. Hartley, Assistant Secretary of the Treasury, under date of the twelfth ultimo, which says that 'Mr. Butler has qualified and entered upon duty.'

"The Comptroller has an official copy of the commission issued to Mr. Butler on the twenty-seventh day of January, 1870, certified to on twenty-first May, 1870, by Geo. S. Boutwell, Secretary of the Treasury, under his official seal.

"The Comptroller has official copies, certified to by Geo. S. Boutwell, Secretary of the Treasury, under his official seal, of the bond and oath of office of James P. Butler, as Collector of Customs for the

district of Brazos de Santiago, in the State of Texas, the bond and oath bearing date the seventh day of April, 1870.

"The Comptroller therefore believes that to audit this account would violate sections nine and forty-two of article twelve, and section thirty of article three of the Constitution.

"This account is, therefore, rejected.

(Signed) "A. BLEDSOE,
"Comptroller."

The facts before the Comptroller were that the Hon. J. P. Butler was appointed Collector of Customs twenty-seventh January 1870; that he qualified as member of the Legislature eighth day of February, 1870; that he qualified, gave bond and took oath of office as Collector of Customs seventh of April, 1870. Your minority are informed by the Comptroller that he believed that the action of the honorable member, in qualifying as collector of customs, vacated his office of member of the Legislature, and that if it did not, that he could not legally audit the account as the evidence showed that the honorable member was holding two offices, which, your minority think, was nothing but proper under the evidence; and they think section thirty of article three of the constitution provides that "no person holding a lucrative office under the United States, or this State, or any foreign government, shall be eligible to the Legislature;" and section nine, article twelve, provides that "no member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust, under this State;" and section forty-three of the same article provides that "the accounting officers of this State shall neither draw nor pay a warrant upon the treasury, in favor of any person, for salary or compensation, as agent, officer or appointee, who holds, at the same time, any other office or position of honor, trust or profit under the State, or the United States, except as prescribed in this constitution."

As to the act of the Comptroller in commencing a prosecution against the honorable member, your minority are of the opinion that the committee nor the House have any jurisdiction or power over it whatever, but are of the opinion that it is a private matter between the honorable member and the Comptroller, and think that the House has no power to protect its members while outside of the House and while the same is not in session.

It is contended that in reference to his acts the Comptroller should have consulted the Attorney General. The law only requires that

attorney to give opinions to certain officers when requested, and it does not compel the officers, who are authorized to make the request, to consult him. The Comptroller is the sole and exclusive judge of claims against the State, but when he is doubtful as to the law, he can require the opinion of the Attorney General.

Your minority think that the Hon. A. Bledsoe was justifiable in refusing to audit the account of the Hon. J. P. Butler, and more so from the fact that the decision of the Supreme Court of this State (See 27th Texas Reports; Biencourt vs. Parker) decided that "a resignation by implication will take place by being appointed to and accepting a new office incompatible with the former one." "It is said to be an absolute determination of the original office, and leaves no shadow of title to the possessor; so that neither *quo warranto* nor amotion is necessary before another may be elected," referring as authority for the decision to Rex vs. Trelowney, 3 Bur., 1616; Milwood vs. Thatcher, 2 T. R. 87; Willcock on Municipal Corp., 240, 617; Ang. and Am. on Corp., 255.

Your minority are of the impression that the law and the evidence justified the Comptroller in believing that the honorable member in accepting the office of Collector of Customs, which, undoubtedly, is incompatible with the office of member of the Legislature, vacated his office of member of the Legislature. And if such was not the case, then that the evidence most clearly showed that the honorable member was holding two offices, not permitted by the constitution of the State; and we think that the duty of the Comptroller, in either case, was to refuse to audit the claim.

The premises considered, your minority ask that this report be adopted and the resolution accompanying the same be passed by the House.

Resolved, That the action of the Hon. A. Bledsoe, Comptroller, in refusing to audit the account of the Hon. J. P. Butler for per diem and mileage, instead of being reprehensible, was, under the circumstances, justifiable and in accordance with his official duty.

J. W. POSEY,
T. JEFF. CHAMBERS.

Mr. Sinclair moved that the report submitted by Mr. Posey be laid on the table, upon which motion the yeas and nays were called for by Messrs. Austin, Hawkins and Posey, and resulted as follows:

Yeas—Messrs. Burnett, Cooper, Cotton, Dupree, Davis, Franks, Gardiner, Grothaus, George, Hamilton, Johnson, Kendall, Morrison, Moore of Harrison, Morris, Mitchel, Medlock, Robinson, Sinclair, Slaughter, Spencer, Williams of Walker, Williams of Colorado, Youngkin, Zoller—25.

Nays—Messrs. Austin, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Burley, Booty, Bonner, Cox, Dorris, Ellis, Gaston, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Manning, McLean, McKee of Fannin, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Smyth, Stirman, Shelburne, Tegener, Van Noy, Weaver of Johnson, York, Zapp—46.

So the House refused to lay the report on the table.

Mr. Abbott of Austin moved to lay all of the reports on the table and that the committee be discharged from further consideration of the subject. Upon which motion the yeas and nays were called for by Messrs. Williams of Colorado, Davis and Van Noy, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, R. Allen, Abbott of Hill, Becton, Booty, Cotton, Camp, Franks, Gardiner, George, Hawkins, Jenkins, Kyle, Lacy, Leonard, Locke, Moore of Harrison, McKee of Fannin, Mullins, Ross, Schlickum, Shelburne, Spencer, Tegener, Van Noy, Weaver of Johnson, Williams of Colorado, Zoeller—29.

Nays—Messrs. H. R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cox, Dupree, Davis, Dorris, Ellis, Gaston, Grothaus, Hamilton, Haswell, Johnson, Kendall, Lane, Manning, Morrison, Morris, McLean, McKee of Guadalupe, Mitchel, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumly, Prissick, Robb, Robinson, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Williams of Walker, York, Youngkin, Zapp—45.

So the House refused to lay the reports on the table.

The hour having arrived for the consideration of the special orders of the day, viz: business under rule adopted June 4, on motion of Mr. Schutze, it was postponed for fifteen minutes.

The time of extension having expired, the special order, on motion of Mr. Schutze, was further postponed fifteen minutes.

The time of extension having again expired, the special order, on motion of Mr. Slaughter, was dispensed with for the day.

Mr. Abbott, of Austin, moved that the consideration of the reports relative to the official conduct of the Comptroller of the State be indefinitely postponed, and that the committee be discharged, upon which motion the yeas and nays were called for by Messrs. Sinclair, Pierson and Dupree, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Burnett, Cooper, Cotton, Camp, Cox, Davis, Dorris, Franks, Gaston, Gardiner, George, Hamilton, Haswell, Johnson, Jenkins,

Kyle, Kendall, Lane, Leonard, Locke, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Plumley, Prissick, Ross, Schlickum, Schlotman, Schutze, Smyth, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—53.

Nays—Messrs. R. Allen, Bonner, Dupree, Ellis, Moore of Red River, Posey. Pierson, Robinson, Simmons, Sinclair, Stirman, Stockbridge, York—13.

So the House indefinitely postponed the consideration of the reports, and discharged the committee from the consideration of the subject.

On motion of Mr. Plumley, the rules were suspended to take up bills on their third reading.

House bill No. 314, to be entiled "An Act making an appropriation to defray the expenses of the removal of the mortal remains of General Sam Houston from Huntsville to Independence, as contemplated in joint resolution No. 7," read third time and passed by the following vote:

Yeas—Messrs. Austin, H. R. Allen, R. Allen, Becton, Booty, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lane, Leonard, Locke, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Williams of Colorado, Young. York, Youngkin, Zapp, Zoeller—61.

Nays—Messrs. Abbott of Hill, Bonner, Lacy, Miller—4.

The title to the bill was agreed to.

House bill No. 6, to be entitled "An Act to amend the seventy-first and ninety-second sections of 'An Act to regulate proceedings in the district courts,' approved May 13, 1846," read the third time, passed, and title agreed to.

House bill No. 85, to be entitled "An Act to incorporate the Belton Bridge Company," read the third time, passed, and title agreed to.

On motion of Mr. Plumley the rules were suspended to take up, in their regular order, bills on their second reading.

House joint resolution No. 7, in regard to removing the remains of Governor Sam Houston from the city of Huntsville to Independence, and making appropriation to pay the expenses, having been recommitted and reported back with the recommendation that

that portion of the resolution making an appropriation be stricken out, the amendment was adopted and the joint resolution ordered to be re-engrossed and read the third time.

House joint resolution No. 8, for the relief of Van Zandt county was read second time and rejected.

On motion of Mr. Butler the calendar was passed over to take up, out of its regular order, House bill No. 139, to be entitled "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

The substitute reported by Committee on Internal Improvements was then read.

On motion of Mr. Schutze section ten was amended by adding the name of "Peter Gabel" to the names of the additional corporators mentioned therein.

The substitute, as amended, was then adopted in the place of the original bill, and it was ordered to be engrossed and read the third time.

On motion of Mr. Butler the rules were further suspended and House bill No. 139 was read the third time, passed, and its title was agreed to.

On motion of Mr. Manning, the calendar was passed over to take up House bill No. 86, to be entitled "An Act to incorporate the town of Canton, Van Zandt county."

The following amendment to section twenty-three recommended by the committee on Town and City Corporations was then adopted, viz:

"Provided nothing in said charter contained shall interfere with the law passed by this Legislature, entitled "An Act to provide for the appointment by the Governor of certain officers to fill vacancies."

The bill was then ordered to be engrossed, and read the third time.

Mr. McKee of Guadalupe moved that the calendar be passed over to take up Senate bill No. 112. Lost.

On motion of Mr. Slaughter the House, at 12:40 P. M., adjourned until the regular hour to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 2, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; quorum present.

Absent—Mr. Robb.

On motion of Mr. Austin the reading of yesterday's journal was dispensed with.

Mr. Robb was excused from attendance on account of sickness.

Mr. Youngkin presented a petition for the relief of Charles Ellinger, of Fayette county.

Mr. Butler presented a petition signed by justices of the peace of Walker county, asking the Legislature to pass a law conferring upon justices of the peace, exclusively, the power of taking acknowledgments, etc.

Above mentioned petitions read and referred to Judiciary Committee.

Mr. Leonard presented a petition signed by citizens of Johnson Station and vicinity, asking the passage of a law incorporating the town of Johnson Station, and the passage of a law prohibiting the sale of intoxicating liquors within certain limits.

Petition read and referred to Committee on Education.

Mr. Zapp presented the petition of W. Lewis, of Fayette county, asking that the license tax on ferries be abolished.

Petitition read and referred to Committee on Roads, Bridges and Ferries.

Mr. Young, Chairman of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
Austin, July 1, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred the bill to be entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize a branch of the same, as therein shown," respectfully submit the following report:

In the latter part of the year 1859, the said company was chartered by the Legislature of the State of Texas, and was authorized to avail itself of the State aid then provided by law. In the summer following, to-wit: 1860, said company regularly organized under its charter, and, within twelve months thereafter, completed, equipped, with rolling stock, and put in good running order twenty-five miles

of said road, commencing at Sabine Pass, and graded thirty miles in addition of said line of road. The company, thereupon, caused the necessary reports required to be filed at Austin, showing the completion of the first section of twenty-five miles of said road for the purpose of obtaining the loan of six thousand dollars per mile on said finished road, as authorized by law. The acting authorities at Austin, as will be seen by the papers on file, recognized the regularity and validity of the application, but declined to pay over the loan, solely on the ground that the vendor of the iron for the road, to whom the claim for the fund had been transferred to pay for the same, was a resident of the city of New York, and, therefore, an alien enemy to what was then claimed as the Confederate States of America, the State of Texas having seceded from the Union. The war breaking out caused the work of construction to cease. Much of the iron of the road was torn up by the Confederate military authorities, with which a fort was constructed at Sabine Pass, the rolling stock of the road being sent off. A valuable bridge across Taylor's Bayou was destroyed by the United States forces; in a word the work of construction was completely arrested by the war, the prospects of the company ruined, and its property destroyed without fault on its part. The committee are informed that the company has regularly preserved its organization up to the present time by the annual election of officers: that it is not indebted to the State, but has incurred liabilities to others in the work of material and construction, to the amount of over a half million dollars, on the faith of its charter and the pledges of the State aid therein secured, which debt is yet standing against the stockholders of said company; that the only default of this company, if it can be so termed, is a failure to build annually twenty-five miles of said road, which was prevented by acts of war; that the late Constitutional Convention has by its action revived the charter of this company, and the confirmation of such action is the main object of the bill under consideration.

In view of these facts it is claimed by the company, first, that in virtue of the contract with it, as stipulated in the charter and laws, and its compliance as shown, that certain rights vested in the company which subsequent legislation cannot divest. Secondly, that said company fully met and complied with the first stipulations in the contract, to-wit: the completion of the first twenty-five miles of the road; but the State, or those in authority, refused to comply by paying over the loan, which fully exonerated the company from any default or forfeiture of its rights under its charter. Thirdly, the illegality of secession cannot obviate the same result. A common carrier, on whom rests the most stringent rules of law, is saved from

forfeiture and default by the act of war, much more a valuable railway enterprise that appeals so strongly to the Legislature for its fostering care. Fourthly, it is further strongly urged that the forty-third section of the twelfth article of the present Constitution of the State, which suspends all civil actions from the 28th day of January, 1861, to the adoption of this Constitution on the 30th day of March, 1870, saves this charter; because in an action by the State to seize the charter, it is insisted that this section of the Constitution could be successfully relied on as a complete defense to such proceeding.

In view of the fact that the road under consideration is viewed as one of great value and importance to the people of Eastern Texas, and as it simply asks to free its rights from doubt by a revival of its charter, so necessary with capitalists, we can see no good reason for refusing such request, more especially when it is considered that the courts are open to settle all legal questions that may be raised on the laws passed by the Legislature; and for the further reason that all just intendments should be made in favor of a company that appears to have proved its faith by considerable work and lay out in actual construction, and which, as the committee have good reason to believe, is proposed to promptly proceed with the work of construction upon the passage of this bill. Your committee therefore return the accompanying bill, and unanimously recommend its passage.

Very respectfully,

H. W. YOUNG,
Chairman of Committee.

Report and bill passed to orders of the day.

On motion of Mr. Cooper, the rules were suspended to take up out of its regular order substitute for Senate bill No. 11, to be entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated."

Substitute for Senate bill No. 11 read the first time.

On motion of Mr. Cooper, the rules were further suspended to put substitute for Senate bill No. 11 on its second reading.

Substitute for Senate bill No. 11 read the second time, ordered to be engrossed and read the third time.

Mr. Sinclair, Chairman of Committee on Education, submitted the following reports:

COMMITTEE ROOM,
July 2, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 309, entitled "An Act to incorporate the Gregory Institute of Harris County," have had the same under consideration, and here-

with report said bill back with the following amendments: In section one, third line, strike out the word "colored," and in eleventh line of same section strike out after the word "seal" the words "which may be changed at pleasure." Section two, fourteenth and sixteenth lines, strike out the word "colored." Also strike out the whole of section seven. With the above amendments, your committee recommend the passage of said bill.

Respectfully,

WM. H. SINCLAIR, Chairman.

COMMITTEE ROOM,
July 2, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 355, entitled "An Act to incorporate the West Fork Male and Female College," have had the same under consideration, and herewith report said bill back with the following amendment: Section five, third and fourth lines, amend by striking out after the word "successors" the words "with liberty to change and alter the same as they think proper," and recommend the passage of said bill as amended.

Respectfully,

WM. H. SINCLAIR,
Chairman.

COMMITTEE ROOM,
Austin, Texas, July 2, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 313, entitled "An Act to incorporate Johnson Point Male and Female High School," have had the same under consideration, and herewith report said bill back without amendment, and recommend its passage.

Respectfully,

WM. H. SINCLAIR,
Chairman.

COMMITTEE ROOM,
Austin, July 2, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Education, to whom was referred House

bill No. 356, entitled, "An Act to prohibit the sale of spirituous, vinous and other intoxicating liquors, and the establishing of gambling houses and houses of ill-fame in certain limits," have had the same under consideration, and herewith report said bill back, with the following amendment: Strike out section three. With this amendment your committee recommend the passage of said bill.

Respectfully,

WM. H. SINCLAIR,
Chairman.

Reports and bills passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
July 1, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred a petition and bill "To incorporate the town of Columbus, in Colorado county," respectfully reports that they have had the same under consideration, and return said bill with the following amendments, to-wit:

Article second, in ninth line, strike out the words, "the consent of," and insert "paying;" also in tenth line strike out the word "or," and after the words "just compensation," strike out the remainder of said article.

Article four, thirty-first line, after the word "order," strike out the words, "that might be done by the Legislature of the State of Texas."

Article five, eighth line, after the words "of said city," strike out the words, "and for the service of process, civil or criminal, emanating from the city authorities, be co-extensive with Colorado county."

Article six, third line, strike out the words, "civil and;" and after the words "criminal cases," strike out all of said article down to the thirteenth line, commencing with the words, "and exclusive jurisdiction."

Article eight, first line, ater the word "all," strike out the words, "defendants as well as plaintiffs in civil cases," and insert the word "*persons.*" In eight and ninth lines of said article, after the word "causes," strike out the words "civil and;" also the words "matter in controversy or."

Article nine, fifth line, strike out the words, "execution shall," and insert the words "capiasmay."

Article thirteen, twenty-second line, after the word "purposes,"

strike out the following: "co-extensive with the limits of the county of Colorado." In thirty-third line, after the word "punished," strike out the words, "by all the courts in this State, accordingly upon conviction of the offender or offenders," and insert the words, "*as violators of said ordinances.*"

Article sixteen, in second line, after the words, "shall have power," strike out the words following, to-wit: "Equal to that of the Legislature of the State."

And said charter, as thus amended, your committee recommend that it receive your favorable consideration.

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. Richard Allen was excused from attendance on account of sickness.

Mr. Burnett offered the following resolution:

Resolved, That after the business made special order by resolution adopted June 4, is disposed of, the House will take up each day at 11 o'clock A. M., as special order, the following bills:

1. Bill to provide for a system of free common schools.
2. Bills organizing and regulating proceedings in the Supreme, District and Justices' Courts.
3. Appropriation and tax bills.
4. Immigration bill.
5. Bills relating to stock and stock raising.

Resolution read first and second times.

Mr. McLean offered the following amendment:

Add at end of resolution, "Bills for the relief of and for the incorporation of internal improvement companies."

Amendment adopted.

The question recurring on the adoption of the resolution as amended, it was adopted.

Mr. Morris offered the following concurrent resolution:

Be it resolved by the House of Representatives (the Senate concurring), That the Legislature of the State of Texas stands adjourned at 12 o'clock, noon, on the twentieth day of July inst. to reassemble at the city of Houston, Harris county, on the first day of November, A. D., 1870; provided the citizens of said city will provide halls and the necessary committee rooms and offices for this Legislature.

Resolution read first and second times.

Mr. Chambers moved to reject the resolution; upon which motion the yeas and nays were called for by Messrs. Schutze, Chambers and Cooper, and resulted as follows:

Yeas—Messrs. Austin, Allen H. R., Abbott of Hill, Becton, Burley, Burnett, Chambers, Camp, Cox, Davis, Dorris, Ellis, Grothaus, George, Hamilton, Hawkins, Jenkins, Kyle, Kendall, Lane, Leonard, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Miller, Moore of Red River, Posey, Prissick, Robinson, Ross, Schlickum, Simmons, Slaughter, Shelburne, Spencer, Tegener, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Zapp, Zoeller—42.

Nays—Messrs. Abbott of Austin, Butler, Booty, Bonner, Cooper, Cotton, Dupree, Franks, Gaston, Gardiner, Johnson, Lacy, Locke, Manning, Morrison, Moore of Harrison, Morris, Mullins, Medlock, Pierson, Schlotman, Schutze, Sheriff, Sinclair, Smyth, Stirman, Stockbridge, Van Noy, Youngkin—29.

So the House rejected the resolution.

Mr. Slaughter moved to reconsider the vote just taken.

Mr. Burnett moved to lay the motion to reconsider on the table; upon which motion the yeas and nays were called for by Messrs. Slaughter, Tegener and Zoeller, and resulted as follows:

Yeas—Messrs. Abbott of Hill, Burnett, Chambers, Cox, Davis, Dorris. Gaston, George, Hamilton, Hawkins, Jenkins, Kyle, Kendall, Lane, Leonard, Locke, Moore of Harrison, McLean, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Posey, Prissick, Robinson, Ross, Shelburne, Spencer, Tegener, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Zapp, Zoeller—35.

Nays—Messrs. Austin, Abbott of Austin, H. R. Allen, Becton, Butler, Burley, Booty, Bonner, Cooper, Cotton, Camp, Dupree, Ellis, Franks, Gardiner, Grothaus, Johnson, Lacy, Manning, Morrison, Morris, Mitchel, Mullins, Miller, Pierson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Van Noy—36.

So the House refused to lay the motion to reconsider on the table.

The hour having arrived for the consideration of the special order of the day, viz: business in accordance with resolution adopted June 4, on motion of Mr. Butler it was postponed one half hour.

The question recurring on the motion to reconsider the vote rejecting the resolution offered by Mr. Morris, the yeas and nays were called for by Messrs. B. F. Williams, Davis and Robinson, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Allen, H. R., Becton, Butler, Burley, Bonner, Cooper, Camp, Johnson, Lacy, Morrison, Morris, Mitchel, Miller, Pierson, Plumley, Ross, Schlickum, Schlot-

man, Schutze, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Van Noy, Weaver of Johnson, Youngkin—29.

Nays—Messrs. Abbott of Hill, Burnett, Chambers, Cotton, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Grothaus, George, Hamilton, Hawkins, Jenkins, Kyle, Kendall, Lane, Leonard, Locke, Manning, McLean, McKee of Fannin, McKee of Guadalupe, Mullins. Medlock, Moore of Red River, Prissick, Robinson, Sheriff, Simmons, Shelburne, Spencer, Tegener, Williams of Walker, Williams of Colorado, Young, York, Zapp, Zoeller—41.

So the House refused to reconsider the vote rejecting the resolution offered by Mr. Morris.

A message was received from the Senate announcing that the President of the same had signed in open session enrolled House bill No. 54, to be entitled "An Act for the relief of the East Texas Agricultural and Mechanical Association"; also, that the Senate had passed Senate bill No. 2, to be entitled "An Act to incorporate the Jefferson and Shreveport Railroad Company, to provide the ways and means for constructing and maintaining their road, and to authorize the sale of said road and the acquisition by the company of other road or roads"; and Senate bill No. 46, to be entitled "An Act to repeal an act approved January 14, 1860, entitled 'An Act to authorize and require the clerks of the district courts of Cherokee, Smith, Anderson, Panola and Angelina counties to apportion the causes on the docket of said courts in words and figures,'" asking the concurrence of the House in the same.

Senate bills Nos. 2 and 46 passed to orders of the day.

Mr. Butler moved a further postponement of the special order of the day for one half hour and the suspension of the rules to take up out of its regular order House bill No. 176, to be entitled "An Act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same."

Special order postponed.

Rules suspended and House bill No. 176 read the second time.

Substitute reported by Committee on Internal Improvements was then read.

On motion of Mr. Burnett, the rule requiring the consideration of bills making appropriations in Committee of the Whole, was suspended.

Mr. Morris moved to amend section one by inserting after the words "Isham Cherry" the words "of Texas." Amendment adopted.

Mr. Butler moved to amend section two by inserting in line fifteen, after the words "north-westerly," the following words:

"from Jefferson, not to exceed thirty miles in length." Amendment adopted.

Mr. Jenkins moved to amend section two, line eight, by inserting after the words "the cities of" the words "Dallas, Waxahatchie, Waco, Belton, Georgetown."

On motion of Mr. Butler, the amendment was laid on the table.

Mr. Burnett offered the following amendment:

Amend section nine by striking out the word "gold" and the word "coin" wherever either may occur in said section, and by striking out the word "seven" and inserting the word "eight" before the words "per cent.," in the eleventh line of said section; and by adding to the section as it now stands the following words: "The Comptroller of the State shall cause to be assessed a tax upon all taxable property, real and personal. in the State, and upon all occupations, proportioned to the taxes levied by general law on such property and occupations, a sum sufficient annually to pay the accruing semi-annual interest on said bonds, and two per cent. as a sinking fund, which said sum shall be assessed and collected, and deposited in the treasury of the State, subject to the order of the Governor to meet the payments of the interest coupons, and th. principal of said bonds as soon as, and whenever the same shall become due; provided, that no greater tax shall be assessed and collected by authority of this section than may be needed from time to time to pay said interest and sinking fund." Amendment adopted.

Mr. Zapp moved to amend section nine, line eight, by striking out the word "ten" before the words "thousand dollars" and inserting in lieu thereof the word "six."

Mr. Slaughter moved a suspension of the special order for the remainder of the day, upon which motion the yeas and nays were called for by Messrs. Sinclair, Robinson and Zapp, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Abbott of Hill, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Ellis, Franks, Gardiner, Grothaus, George, Hamilton, Hawkins, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Manning, Moore of Harrison, Morris, McLean, McKee of Fannin, Mullins, Medlock, Miller, Posey, Pierson, Ross, Schlickum, Schutze, Sheriff, Slaughter, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zoeller—53.

Nays—Messrs. Austin, Booty, Chambers, Davis, Dorris, Gaston, Jenkins, Kyle, Morrison, McKee of Guadalupe, Moore of Red River, Prissick, Robinson, Schlotman, Sinclair, Smyth, Zapp—17.

So the special order was suspended.

Mr. Davis moved that the House adjourn until ten A. M. Tuesday next. Lost.

Mr. Butler moved to lay the amendment, offered by Mr. Zapp, on the table, upon which motion the yeas and nays were called for by Messrs. Sinclair, Zapp and Davis, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hawkins, Johnson, Jenkins, Kendall, Lacy, Lane, Leonard, Locke, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Ross, Schutze, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zoeller—59.

Nays—Messrs. Austin, Booty, Chambers, Davis, Hamilton, Kyle, McKee of Guadalupe, Prissick, Robinson, Schlickum, Schlotman, Sinclair, Smyth, Zapp—14.

So the amendment was laid on the table.

Mr. Robinson moved that the House adjourn until ten A. M. Tuesday next, upon which motion the yeas and nays were called for by Messrs. Sinclair, Davis and Robinson, and resulted as follows:

Yeas—Messrs. Austin, Ellis, Hamilton, Jenkins, Moore of Harrison, Moore of Red River, Schlotman, Sinclair, Smyth, Zapp—10.

Nays—Messrs. Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, George, Hawkins, Johnson, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Manning, Morrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Posey, Pierson, Plumley, Prissick, Robinson, Ross, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zoeller—41.

So the House refused to adjourn.

Mr. Sinclair moved that the House resolve itself into Committee of the Whole for the consideration of the bill. Lost.

Mr. Sinclair moved to amend section nine, line eight, by striking out the word "ten" before the words "thousand dollars," and inserting in lieu thereof the word "fifty."

Mr. Butler moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Sinclair, Davis and Zapp, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, George, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Manning, Moore of Harrison-Morris, McLean, McKee of Fannin, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Ross, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—66.

Nays—Messrs. Davis, Morrison, McKee of Guadalupe, Prissick, Robinson, Schlotman, Sinclair—7.

So the amendment was laid on the table.

Mr. Sinclair moved that the House adjourn until ten o'clock A. M., Tuesday next. Lost.

Mr. Robinson moved to amend section nine, line twenty-six, by striking out the word "twenty" before the word "miles," and inserting in lieu thereof the words "three hundred."

On motion of Mr. Butler the amendment was laid on the table.

Mr. McLean moved to amend section ten by striking out all of said section after the word "obligations," in the sixth line, and inserting the following words: "for all works of internal improvement, including the donation herein made, to an amount not exceeding twelve millions of dollars at any one time." Amendment adopted.

Mr. Burnett moved to amend section twelve by inserting after the word "taxes," in the third line, the following words: "for the period of five years after the passage of this act," and by striking out all the remaining part of said section following thereafter. Amendment adopted.

Mr. Burnett moved to amend section thirteen by striking out the word "thereafter" when it first appears in the third line of said section, and inserting the following: "after the passage of this act." Amendment adopted.

Mr. Sinclair moved to amend section thirteen, line eight, by striking out the word "Southern," and inserting in lieu thereof the word "United." Amendment adopted.

Mr. Booty moved to amend section fifteen by striking out the word "further."

On motion of Mr. Slaughter the amendment was laid on the table.

Mr. Schutze moved to amend section fifteen by adding to said section the following words:

"In case the company chartered in this act shall at any time fail to construct the length of railroad as hereinbefore specified, then the Governor is authorized to contract with any other corporation or company for the continued construction thereof under the terms of this charter for such part of said railroad as may not have been completed."

Amendment adopted.

Mr. Burnett moved to amend section sixteen by inserting, after the close of the first sentence, the following words: "Until the same are changed, the rates of charges for freight and passengers shall be governed by the laws at present in force."

Amendment adopted.

The substitute was then adopted in lieu of House bill No. 176, and upon the question of the engrossment and third reading of the bill the yeas and nays were called for by Messrs. Davis, Sinclair and Robinson, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Allen H. R., Abbott of Hill, Becton, Butler, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Ellis, Gaston, Gardiner, Grothaus, George, Hamilton, Hawkins, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Manning, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Ross, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zoeller—58.

Nays—Messrs. Austin, Booty, Chambers, Davis, Jenkins, Kyle, Morrison, McKee of Guadalupe, Prissick, Robinson, Schlotman, Sinclair, Smyth, Zapp—14.

So the bill was ordered to be engrossed and read third time.

On motion of Mr. Butler House bill No. 176 was made the special order of the day for Tuesday next at 10:30 A. M.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
July 2, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined "An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas"; also, "An Act to incorporate the Galveston Bay Dredging Company," and find the same correctly enrolled.

ROBINSON,
Chairman.

COMMITTEE ROOM,
Austin, July 2, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: I have the honor to report that "An Act to incorporate the Eastern Stock Raising and Mechanical Association" has this day been presented to his Excellency the Governor for approval.

ROBINSON,
Chairman.

Reports accepted.

On motion of Mr. Burnett the House, at one o'clock P. M., adjourned until ten o'clock A. M. on Tuesday next.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, July 5, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Absent—Mr. Sinclair.

On motion of Mr. Slaughter the reading of the journal of Saturday, July 2, was dispensed with.

Mr. Jenkins presented a petition signed by justices of the peace of Coryelle county, asking the passage of a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Messrs. Jenkins, Dupree, Franks and Schutze presented petitions signed by district clerks of Coryelle, Montgomery, Wharton and Bastrop counties, protesting against the passage of a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Above mentioned petitions read and referred to the Judiciary Committee.

Mr. McKee of Fannin presented the memorial of W. H. Fleming, asking for land certificate.

Memorial read and referred to Committee on Private Land Claims.

Mr. Burnett, Chairman of Judiciary Committee, submited the following report:

COMMITTEE ROOM,
Austin, July 5, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: The Judiciary Committee, to whom was referred House bill No. 56, entitled "An Act to prohibit the practice of medicine by persons who have not received diplomas from a regular recognized school of medicine;" also, House Bill No. 66, entitled "An Act to regulate and provide for the compounding, dispensing and sale of drugs, medicines and poisons," beg leave to respectfully report the same back to the House and recommend that they be referred to the select committee, to whom was referred the bill to incorporate the Texas Medical Association, as we believe this committee to be more appropriate to consider the subjects of the bills.

Very respectfully,

BURNETT,
Chairman.

On motion of Mr. Burnett the bills were referred to special committee, to whom was referred a bill to incorporate the Texas Medical Association.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, July 5, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Town and City Corporations, having had under consideration House bill No. 260, entitled "An Act to incorporate the town of Gatesville, Coryell county," respectfully return the same with the following amendments, to-wit:

Section third, second line, after the word "Constitution," add the words "and laws of this State."

Section fifth, second line, after the word "Constitution," add the words "and laws;" in the eighth line of said section, after the word "corporation," strike out the following, to-wit: "and own real estate therein;" and in tenth line, after the word "Constitution," add the words "and laws."

Section tenth, third line, after the word "passage," add the following: "subject to the provisions of an act entitled 'An Act authorizing the Governor to appoint certain officers to fill vacancies,' passed by this Legislature."

And said bill, as thus amended, your committee recommend that it do pass.

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
July 5, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills, to whom were referred House bills Nos. 139 and 176, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
Your obedient servant,
STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Stockbridge also submitted the following report:

COMMITTEE ROOM,
July 5, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

SIR: Your committee to whom was referred House bill No. 86, to be entitled "An Act to incorporate the town of Canton, in Van Zandt county," having carefully examined the same, have the honor to recommend that said bill be re-committed, as there are several passages therein so obscurely or incorrectly expressed that your committee are either unable to comprehend their meaning, or are compelled to put upon them the only construction of which they admit, and which appears to them to involve an absurdity. As illustrations they respectfully invite attention to the following extracts from the bill:

"SEC. 5. That there shall be a marshal, treasurer, recorder and attorney appointed by the board of aldermen.

* * * * * * *

Said appointments shall be made as soon as practicable after the aldermen shall receive their certificates of election, or that any vacancy may occur by expiration of term, or other cause."

* * * * * * *

As the above passage is expressed it should seem that the board of aldermen are required to appoint the above named functionaries either as soon as practicable after the receipt of their own certificates of election, or after the occurrence of a vacancy in the offices of marshal, treasurer, recorder and attorney, by expiration of term or other cause. But unless the appointments are made as soon as practicable after the receipt of the aldermen's certificates of election, the alternative of a vacancy by expiration of term can never exist, as such a vacancy cannot arise in the case of an office to which no appointment has ever been made.

"SEC. 9. In case of the temporary absence of the Mayor, the board of aldermen shall have the power to appoint one of their number to act as mayor pro tem., who shall have such powers and privileges as the Mayor elect."

As there are neither powers nor privileges conferred by the bill on the Mayor elect, your committee are unable to determine whether it is the intention of the bill to reduce the powers and privileges of the "pro tempore" Mayor to a minimum on the one hand, or to confer upon him untold powers and privileges on the other.

Attention is also invited to section fourteen of the bill, which provides for the collection of an ad valorem tax, not to exceed one-half of one per cent. on the value of the property taxed, *and also for the imposition of a poll tax.* Your committee desire to know

whether the word "tax," in line thirteen, should not be engrossed "taxes," and if not, to which of the two taxes named it refers?

If this were the only bill which had been referred to your committee in such a shape, they would have passed it over in silence, but the practice of reporting negligently prepared bills, with a recommendation that they pass, has latterly become so common that the work of the engrossing clerk has been seriously retarded by the necessity of obtaining the correction of errors which should have been rectified in committee before such bills were reported back.

Your committee did not understand that the object of constituting them a committee on style was to exonerate each committee of the House, to whom a bill had been referred, from correcting errors of spelling, of grammar, of ambiguity and obscurity, all of which prevail, to a greater or less extent, in the bill herein reported upon.

Very respectfully,

Your obedient servant,

STOCKBRIDGE,

Chairman of Committee.

Report accepted and bill recommitted to Committee on Town and City Corporations.

A message was received from the Senate announcing that that body had passed House bill No. 115, to be entitled "An Act to provide for the registration of voters," with certain amendments, asking the concurrence of the House in the same.

Also Senate bill No. 16, to be entitled "An Act to incorporate the Germania Saving, Trust and Exchange Company," asking the concurrence of the House in the same.

Mr. Robinson presented the petition of citizens of Parker county, asking that the Police Court of said county be authorized to levy a special tax.

Petition read and referred to Committee on State Affairs.

Mr. McLean introduced a bill to be entitled "An Act to incorporate the Falls County Turnpike and Bridge Company."

Bill read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Butler introduced a bill to be entitled "An Act creating the office of State Engineer and General Superintendent of Public Works, and the duties thereof."

Bill read the first time and referred to the Committee on Public Buildings and Grounds.

Also a bill to be entitled "An Act to regulate the rates of fare and freights on the railroads in Texas."

Bill read the first time and referred to Committee on Internal Improvements.

Mr. Slaughter introduced a bill to be entitled "An Act to incorporate the Sabine Valley Agricultural and Mechanical Society."

Bill read the first time and referred to Committee on Agriculture and Stock Raising.

Mr. Schlickum introduced a bill to be entitled "An Act to incorporate the Rio Grande Railroad Company."

Bill read the first time and referred to Committee on Internal Improvements.

Mr. Cooper introduced a bill to be entitled "An Act to provide for the payment of wages to certain mechanical laborers therein named."

Bill read the first time and referred to Judiciary Committee.

Also, a bill to be entitled "An Act to authorize John J. Blankenship to erect a toll bridge over Tehuacana creek, in the county of McLennan, Texas."

Bill read the first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Spencer introduced a bill to be entitled "An Act supplementary and to amend an act entitled 'An Act to donate lands to certain parties therein mentioned for the improvement of the Channel between Corpus Christi and Aransas Pass,'" approved August 22, 1856."

Bill read the first time and referred to Committee on Internal Improvements.

On motion of Mr. Morrison Mr. Sinclair was excused from attendance on account of sickness.

Mr. Lane introduced a bill to be entitled "An Act concerning nine and ten pin alleys."

Bill read the first time and referred to Judiciary Committee.

Mr. Pierson introduced a bill to be entitled "An Act to incorporate the Seago Mills Manufacturing Company."

Bill read the first time and referred to Committee on Commerce and Manufactures.

The hour having arrived for the consideration of the special order of the day, viz: House bill No. 176, to be entitled "An Act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same," it was read the third time.

The hour having arrived for the consideration of business in accordance with resolution adopted June 4, on motion of Mr. Cooper it was postponed until to-morrow.

Mr. Kyle moved that the House adjourn. Lost.

The question being on the final passage of House bill No. 176, it passed by the following vote:

Yeas—Messrs. Speaker, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Butler, Burley, Booty, Burnett, Bonner, Cooper, Cotton, Camp, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Hawkins, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Mullins, Miller, Posey, Pierson, Plumley, Robb, Ross, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zoeller--64.

Nays—Messrs. Austin, Chambers, Cox, Davis, Jenkins, Kyle, McKee of Guadalupe, Medlock, Moore of Red River, Prissick, Robinson, Schlotman, Smyth, Zapp—14.

The title to the bill was agreed to.

Mr. Kyle moved to adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Butler moved to reconsider the vote just taken on House bill No. 176, and to lay the motion to reconsider on the table. Carried.

On motion of Mr. Kyle the House, at 1:40 P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, July 6, 1870.

House met pursuant to adjournment. Roll called; quorum present.

Absent—Mr. Sinclair.

On motion of Mr. Morrison Mr. Sinclair was excused from attendance on account of sickness in his family.

On motion of Mr. Franks the reading of yesterday's journal was dispensed with.

Messrs. Miller, Camp and Butler presented petitions signed by justices of the peace of Bell, Refugio and Madison counties, asking the passage of a law conferring upon justices of the peace, exclusively, the power of taking acknowledgments, etc.

Mr. Robb presented the petition of the clerk of the District Court of Trinity county, protesting against the passage of such a law.

Above mentioned petitions read and referred to Judiciary Committee.

Mr. Locke, Chairman of Committee on Agriculture and Stock Raising, submitted the following reports:

COMMITTEE ROOM,
Austin, July 5, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 362, entitled "An Act to incorporate the Agricultural, Mechanical and Blood Stock Association of Jasper, Texas," have had the same under consideration, most respectfully report the same back as amended (amend section two, line thirteen, after the word "State," "provided nothing herein contained shall infringe upon the rights of patentees,") and recommend its passage.

Very respectfully,
LOCKE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, June 30, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 229, entitled "An Act to pre-

vent the introduction and spreading of scab among sheep," have had the same under consideration, and most respectfully report the same back as amended. Amend section six, line two, after the word "day," strike out the words "in specie, or its equivalent in currency."

Very respectfully,

LOCKE,
Chairman of Committee.

Reports and bills passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
July 6, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 304, entitled "An Act to incorporate the Waco City Cemetery Association," having had the same under consideration, beg leave to return said bill with the following amendment, to-wit:

Section second, ninth line, add the word "dollars" after the word "thousand."

And as thus amended your committee recommend its passage.

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. Youngkin, Chairman of Committee on Roads, Bridges and Ferries, submitted the following reports:

COMMITTEE ROOM,
Austin, July 5, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 371, entitled "An Act to authorize John J. Blackenship to erect a toll bridge across Tehuacana creek, in the county of McLennan, Texas," having had the same under consideration, beg leave tc report back the same with the following amendment:

That section three be so amended as to read three miles above and three miles below said bridge, instead of five miles.

With such amendment your committee recommend the passage of the bill.

Respectfully,

YOUNGKIN, Chairman.

COMMITTEE ROOM,
July 5, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 203, entitled "An Act to incorporate the Carrancuha Bridge and Road Company across Galveston bay," having had the same under consideration, beg leave to make the following amendments:

That section nine be so amended as to read—

For each wagon, with four or more horses, or mules, or oxen	$1 25
For each wagon, carriage, buggy or cart, with two horses, mules, or oxen	75
For each wagon, carriage or buggy, or cart, with one horse	50
For each person, riding horse, mule, or other animal	25
For each beef steer, bull or cow, or cow with a calf	25
For each hog, sheep, or goat, or veal calf	5
For each footman	5

With such amendments your committee recommend the passage of the bill.

Respectfully,

YOUNGKIN,
Chairman.

Reports and bills passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 6, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills, to whom was referred House joint resolution No. 7, as amended, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
Your obedient servant,

STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Camp introduced a bill, to be entitled "An Act for the relief of Henry Koontz."

Bill read first time, and referred to Committee on Private Land Claims.

Mr. McKee of Guadalupe introduced a bill, to be entitled "An Act for the relief of Andrew J. Nichols."

Bill read the first time and referred to Committee on Private Land Claims.

Also, a bill to be entitled "An Act to establish meridians or true north and south lines, and to prevent errors and confusion in surveying."

Bill read the first time, and referred to Committee on Public Lands and Land Office.

Mr. Morris introduced a bill, to be entitled "An Act to incorporate the Houston Paving and Improvement Company."

Bill read the first time, and referred to Committee on Town and City Corporations.

Mr. McKee of Guadalupe also introduced a bill, to be entitled "An Act to incorporate the Houston, Texas and Red River Railway Company with telegraph privileges."

Bill read the first time and referred to Committee on Internal Improvements.

[Mr. Grothaus in the chair.]

Mr. Evans offered the following resolution:

WHEREAS, Many of the counties of this State are involved in debt, and their scrip is greatly depreciated in value, so that jurors and others receive scarcely anything for services rendered; therefore:

Be it resolved, That the Judiciary Committee be, and is hereby instructed to prepare and report at the earliest day practicable, a bill authorizing and requiring the police court of each county in debt, to levy and collect annually a special tax, sufficient to discharge the entire indebtedness of such county within the shortest time consistent with the public welfare; and further, that said committee inquire into the propriety of providing by law that no kind of scrip or evidence of county indebtedness shall be receivable in payment of taxes, and that claims for services as jurors and witnesses shall always be paid first, without regard to dates when such services were rendered.

Resolution read first and second times, and on motion of Mr. Slaughter it was adopted.

[Speaker in the chair.]

Mr. Slaughter introduced a bill to be entitled "An Act to incorporate the Texas and Mexico Railway, Steamship and Telegraph Company."

Bill read the first time and referred to Committee on Internal Improvements.

Mr. McLean, from Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
July 5, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 91, entitled "An Act to incorporate the Jefferson and Western Railroad Company, and to provide for the same," having carefully considered said bill, would respectfully propose for the same the accompanying substitute and recommend its passage.

Very respectfully,
H. W. YOUNG,
Chairman of Committee.

Report, bill and substitute passed to orders of the day.

On motion of Mr. Burley the rules were suspended to take up out of its regular order Senate bill No. 40, to be entitled "An Act to provide for permanently locating the county seat of Robertson county."

Senate bill No. 40 read the first time and referred to Committee on Counties and County Boundaries.

On motion of Mr. Grothaus the rules were suspended to take up out of its regular order House bill No. 242, to be entitled "An Act to incorporate the Houston Real Estate and Banking Company."

House bill No. 242 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Posey the rules were further suspended, House bill No. 242 read the third time, passed and title agreed to.

On motion of Mr. Cooper the rules were suspended to take up out of its regular order Senate bill No. 11, to be entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same, as therein stated."

Senate bill No. 11 read the third time, passed and title agreed to.

Mr. Cooper moved to reconsider the vote just taken, and to lay the motion to reconsider on the table. Carried.

A message was received from the Senate announcing that that body had passed Senate bill No. 17, to be entitled "An Act to incorporate the City Bank of Houston," and Senate bill No. 36, to be entitled "An Act to establish a ferry across the Sabine river at or near Red Rock, county of Upshur," asking the concurrence of the House in the same.

Senate bills Nos. 17 and 36 passed to orders of the day.

On motion of Mr. McLean the rules were suspended to take up out of its regular order House bill No. 53, to be entitled "An

Act to incorporate the Jefferson Insurance, Savings and Exchange Company."

House bill No. 53 read the second time, ordered to be engrossed, and read the third time.

On motion of Mr. Burnett the rules were suspended to take up out of the regular order House bill No. 293, to be entitled "An Act authorizing the Commissioner of the General Land Office to issue a patent for certain lands."

House bill No. 293 read the second time, ordered to be engrossed, and read the third time.

On motion of Mr. Burnett the rules were further suspended, House bill No. 293 read the third time, passed, and title agreed to.

On motion of Mr. Franks the rules were suspended to take up out of its regular order Senate bill No. 224, to be entitled "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature."

Bill read the first time.

On motion of Mr. Franks the rules were further suspended to put the bill on its second reading.

Senate bill No. 224 read the second time.

Mr. Schutze moved to amend section one so that it would read "5,000 dollars to pay for the contingent expenses and 20,000 dollars for printing."

Mr. Butler moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. R. L. Moore, Schutze and Smyth, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, R. Allen, Becton, Butler, Burnett, Chambers, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, George, Harn, Hamilton, Johnson, Jenkins, Kyle, Kendall, Locke, Manning, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Ross, Schlickum, Sheriff, Slaughter, Stirman, Spencer, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller—48.

Nays—Messrs. Abbott of Hill, Cox, Grothaus, Leonard, Miller, Moore of Red River, Pierson, Robb, Schlotman, Schutze, Smyth, Shelburne, Tegener—13.

So the amendment was laid on the table.

On motion of Mr. Butler, the rule was suspended requiring all appropriations to be considered in Committee of the Whole.

Senate bill No. 224 was then ordered to be read the third time.

Mr. Cooper moved a further suspension of the rules to put the bill on its final passage.

Rules suspended, Senate bill No. 224 read the third time and passed by the following vote:

Yeas—Messrs. Abbott of Austin, Becton, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gaston, Gardiner Grothaus, George, Hamilton, Johnson, Kendall, Lane, Locke, Manning, Morrison, Moore of Harrison, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Ross, Schlotman, Schutze, Sheriff, Slaughter, Stirman, Shelburne, Spencer, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller —54.

Nays—Messrs. Austin, Abbott of Hill, Hawkins, Jenkins, Kyle, Lacy, Leonard, McLean, Miller, Robb, Smyth—11.

The title to the bill was agreed to.

A message was received from the Senate announcing that that body had passed Senate bill No. 60, to be entitled "An Act to incorporate the city of Sabine Pass, in Jefferson county," asking the concurrence of the House in the same.

Bill passed to orders of the day.

The hour arrived for the consideration of business, as provided in resolution adopted June 4th, viz: substitute for House bill No. 297, to be entitled "An Act to suppress the carrying of deadly weapons, except in cases of self-defence or lawful defence of the State."

Mr. Austin offered the following amendment to section four:

After the word "Indians" add "or persons driving wagons, stage coaches, or any kind of vehicles for a livelihood in the State."

On motion of Mr. Dorris, the amendment was laid on the table.

Mr. Burnett offered the following amendment to section one, line eight:

Strike out the word "ten" and insert in lieu thereof the word "twenty-five," and strike out the word "fifty" and insert in lieu thereof the words "one hundred." Amendment adopted.

Mr. Miller offered the following amendment:

Amend by striking out all of section two and all of section one after the word "that" in first line.

On motion of Mr. Locke, the amendment was laid on the table.

Mr. Miller also offered the following amendment:

Amend by inserting the following as a substitute for section four, viz:

"SEC. 4. This act shall not apply or be enforced in any county of the State bordering on the Rio Grande, or any portion of which

is north or west of a line running from the southern corner of Maverick county to the southwestern corner of Grayson county."

On motion of Mr. Camp the amendment was laid on the table.

The substitute was then adopted in lieu of the original bill, and ordered to be engrossed and read the third time.

On motion of Mr. Camp the rules were further suspended to put substitute for House bill No. 297, to be entitled "An Act to regulate the keeping and bearing of deadly weapons," on its final passage.

Substitute for House bill No. 297 read the third time and passed by the following vote, the yeas and nays being called for by Messrs. Ellis, Robinson and Cooper:

Yeas—Messrs. Speaker, Austin, Abbott of Austin, H. R. Allen, R. Allen, Becton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, George, Hamilton, Kendall, Lacy, Lane, Leonard, Locke, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Schlotman, Sheriff, Slaughter, Smyth, Stirman, Shelburne, Spencer, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller—59.

Nays—Messrs. Ellis, Hawkins, Jenkins, Kyle, Miller, Robb —6.

The title to the bill was agreed to.

On motion of Mr. Butler the rules were suspended to take up House bill No. 115, to be entitled "An Act to provide for the registration of voters," returned from the Senate, with amendments.

On motion of Mr. Burnett, the House concurred in the following Senate amendments to section fifteen, line six:

After the word "registered" insert the following: "And enter the names of such as they may consider improperly refused registration, and those who were unable to appear before the registrar, on the registration list."

On motion of Mr. Cooper, the House concurred in the following Senate amendments to section twenty-three:

In line four, strike out the words "registered, or."

In line eight, strike out after the word "person" the words, "against whom process is served," and insert the following: "Who applies for the process in the first instance, and finally by the unsuccessful contestant."

On motion of Mr. McLean the House refused to concur in Senate amendment to strike out section thirty-nine.

On motion of Mr. Butler the House concurred in Senate amendment to strike out section forty.

On motion of Mr. McLean Senate amendments were amended so as to read: Strike out "forty-one," and insert in lieu thereof "forty," and strike out "forty-two," and insert in lieu thereof "forty-one."

A message was received from the Senate announcing that the President of the same had signed, in open session, House enrolled bill, to be entitled "An Act to incorporate the Galveston Bay Dredging Company, for the purpose of opening the mouth of Trinity river," and House enrolled bill, to be entitled "An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas."

On motion of Mr. C. L. Abbott the rules were suspended to take up, out of its regular order, Senate bill No. 172, to be entitled "An Act to incorparate the Bellville, Hempstead and Brazos Bridge Company."

Senate bill No. 172 read the first time.

On motion of Mr. C. L. Abbott the rules were further suspended and Senate bill No. 172 read the second time and ordered to be read the third time.

On motion of Mr. Burnett the rules were further suspended.

Senate bill No. 172 read the third time, passed and title agreed to.

On motion of Mr. Grothaus the rules were suspended to take up, out of its regular order, House bill No. 116, to be entitled "An Act to reorganize the city of Indianola, in Calhoun county."

Bill read the second time.

The following amendments, reported by Committee on Town and City Corporations, were adopted:

In article two, fourth line, after the words "as follows," insert the following: "All that plat of land known on Heusault Map as the former limits of said city, together with that portion of the harbor of Matagorda Bay between said former city limits and the channel in said bay; and, provided further, that said city limits may be hereafter extended, including and adding more territory whenever a majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said city, until said limits shall be ascertained and defined, as follows."

In line three, article ten, section one, strike out the words "one year," and insert in lieu thereof the words "three months."

In article eleven, section one, line five, strike out all of said section after the words "subject to the provisions of," and insert in lieu thereof the words "An Act entitled 'An Act to authorize the Governor to fill vacancies,'" passed by this Legislature.

House bill No. 116 as amended was then ordered to be engrossed and read the third time.

On motion of Mr. Camp the rules were further suspended, and House bill No. 116 was read the third time, passed, and its title agreed to.

On motion of Mr. Plumley the rules were suspended to take up out of its regular order House bill No. 75, to be entitled "An Act to incorporate the Screwman's Benevolent Association."

House bill No. 75 read the second time and ordered to be engrossed and read the third time.

Mr. Burnett moved that the rules be suspended to take up out of its regular order House bill No. 177, to be entitled "An Act for the relief of Harvill W. Moore."

Rules suspended and House bill No. 177 read second time.

On motion of Mr. Burnett the rule requiring all bills making appriations to be considered in Committee of the Whole was suspended, and the bill was ordered to be engrossed and read third time.

Mr. Burnett moved a further suspension of the rules to put House bill No. 177 upon its third reading and final passage.

Rules suspended, bill read third time, and passed by the following vote:

Yeas—Messrs. Austin, Abbott of Austin, R. Allen, Becton, Burley, Booty, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Leonard, Locke, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Miller, Moore of Red River, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Sheriff, Slaughter, Smyth, Stirman, Shelburne, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zeeller—59.

Nays—Messrs. Bonner, Spencer—2.

The title of the bill was also agreed to.

Mr. Locke moved a suspension of the rules to take up out of its regular order House bill No. 95, to be entitled "An Act to incorporate the Irving Literary Society of San Antonio, Texas."

Rules suspended, House bill No. 95 read second time, and ordered to be engrossed, and read the third time.

Mr. Dorris moved a suspension of the rules to take up out of its regular order House bill No. 92, to be entitled "An Act to prevent unlawful intercourse between the sexes."

Rules suspended and House bill No. 92 read second time.

On motion of Mr. Butler the House, at 1 o'clock P. M., adjourned until the regular hour to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 7, 1870.

House met pursuant to adjournment aker Evans in the chair. Roll called; quorum present.

On motion of Mr. Davis the reading of yesterday's journal was dispensed with.

Mr. Cooper presented a memorial for the relief of James Hewetson.

Memorial read and referred to Committee on Public Lands and Land Office.

Mr. Burnett, Chairman of Committee on Judiciary, submitted the following reports:

COMMITTEE ROOM,
Austin, July 7, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: The Judiciary Committee, to whom was referred House bill No. 316, entitled "An Act to discontinue the Criminal Court of the city of San Antonio, and to transfer the cause pending therein," having duly considered the same, respectfully report the same back with a recommendation that it be passed.

Very respectfully,
BURNETT,
Chairman.

COMMITTEE ROOM,
July 7, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: The Judiciary Committee, to whom was referred Senate bill No. 197, entitled "An Act prescribing the times of holding the district courts in the several judicial districts in the State," having duly considered the same, respectfully report it back, and recommend its passage with the accompanying amendments.

Very respectfully,
BURNETT,
Chairman.

Reports and bills passed to orders of the day.

Mr. Morris, Chairman *pro tem.* of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
Austin, July 6, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 275, entitled "An Act to incorporate the Trinity County Railroad Company," have given careful consideration to said bill.

No evidence has been presented to your committee of the financial ability or practical experience of the parties named therein as corporators to construct such a railroad; and as no limit of time is fixed in said bill within which the work is required to be commenced, nor rate of progress of construction mentioned therein, your committee are induced to believe this bill like unto many others upon the statute books, which cumber up much ground, but can produce no fruit. Your committee therefore report unfavorably upon said bill, recommending that it do not pass.

Very respectfully,

C. D. MORRIS,
Chairman *pro tem.* of Committee.

Report and bill passed to orders of the day.

Mr. Slaughter, Chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,
Austin, July 6, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives.:

Your Committee on Finance, to whom was referred House bill No. 218, entitled "An Act for the repairs and improvement of certain public buildings," having carefully considered the same report it back to the House and recommend its passage.

GEO. H. SLAUGHTER,
Chairman.

Report and bill passed to orders of the day.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, July 7, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 252, have had the same under

consideration, and herewith return said bill amended, and most respectfully ask that it do pass as amended.

COOPER,
Chairman.

Report and bill passed to orders of the day.

Mr. Cooper also submitted the following report:

COMMITTEE ROOM,
Austin, Texas, July 7, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was committed the petition of a portion of the citizens of Karnes county, praying for a special tax to be levied on her citizens to build a court-house and jail, have had the same under consideration and most respectfully beg leave to make the following report:

That there is a general bill before this Legislature providing for such a tax in all the counties of this State. Therefore your committee returns this petition and ask that it be laid on the table and your committee discharged.

COOPER,
Chairman.

Petition laid on the table.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 7, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I have the honor to report that "An Act to incorporate the Galveston Bay Dredging Company," also, "An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas," have, this day, been presented to his Excellency, the Governor, for his approval.

W. G. ROBINSON,
Chairman Committee on Enrolled Bills.

Report accepted.

Mr. Dorris introduced a bill to be entitled "An Act to prevent frauds in selling brands."

Bill read the first time and referred to Committee on Agriculture and Stock Raising.

Mr. Burley, from Committee on Education, submitted the following report:

COMMITTEE ROOM,
July 6, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Education to whom was referred House bill No. 325, entitled "An Act to incorporate the Leon County Colored Manual Labor School, having carefully examined the same, respectfully report the same back to the House with a recommendation that it pass, with the following amendments, to-wit: Strike out the word "colored" wherever it occurs in the bill, and in section five, line five, strike out "thirty" and insert in lieu thereof "ten."

Very respectfully,
D. W. BURLEY,
For the Committee.

Report and bill passed to orders of the day.

On motion of Mr. Burnett the rules were suspended to proceed to the consideration of unfinished business on the Speaker's table.

The first business in order was the resolution offered by Mr. Morrison, June 22, 1870, relative to the election of a chaplain.

Mr. Schutze moved a call of the House. Call sustained.

Absent—Mr. Miller.

On motion of Mr. Cooper the call was suspended.

Mr. Robinson moved to reject the resolution.

Mr. Burnett moved the previous question. Previous question seconded.

The question recurred, "Shall the main question be now put?" Main question ordered.

The main question being on the motion to reject the resolution, the yeas and nays were called for by Messrs. Slaughter, Schutze and Robinson, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Cotton, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Grothaus, Haswell, Lane, Leonard, Moore of Harrison, Morris, McLean, Mullins, Moore of Red River, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Slaughter, Smyth, Shelburne, Spencer, Tegener, Van Noy, Weaver of Johnson, Williams of Colorado, York, Zoeller—41.

Nays—Messrs. Abbott of Austin, Butler, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Camp, Gaston, George, Harn, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Locke, Manning, Morrison, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Posey, Pierson, Plumley, Sinclair, Stirman, Stockbridge, Williams of Walker, Youngkin, Zapp—34.

So the House rejected the resolution.

Mr. Slaughter moved to reconsider the vote just taken, and to lay the motion to reconsider on the table, upon which motion the yeas and nays were called for by Messrs. Cooper, Franks and Davis, and resulted as follows :

Yeas—Messrs. Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Chambers, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Grothaus, Haswell, Jenkins, Lane, Leonard, Moore of Harrison, Morris, McLean, Mullins, Moore of Red River, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Slaughter, Smyth, Shelburne, Spencer, Tegener, Van Noy, Weaver of Johnson, Williams of Colorado, York, Zoeller—42.

Nays—Messrs. Abbott of Austin, Butler, Burley, Booty, Burnett, Bonner, Cooper, Cotton, Camp, Gaston, George, Hahn, Hamilton, Hawkins, Johnson, Kyle, Kendall, Lacy, Locke, Manning, Morrison, McKee of Fannin, McKee of Guadalupe, Mitchel, Medlock, Posey, Pierson, Plumley, Sinclair, Stirman, Stockbridge, Williams of Walker, Youngkin, Zapp—34.

So the motion to reconsider was laid on the table.

The resolution offered by Mr. Franks June 24, 1870, relative to allowing Mr. R. H. C. Shelton mileage being next in order, Mr. Tegener moved the rejection of the resolution.

Upon which motion the yeas and nays were called for by Messrs. Tegener, Zoeller and Lane, and resulted as follows :

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Burley, Booty, Bonner, Chambers, Cotton, Camp, Cox, Davis, Dorris, Ellis, Gaston, Gardiner, George, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Manning, Moore of Harrison, Morris, McLean, McKee of Fannin, Mitchel, Medlock, Moore of Red River, Robb, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zoeller—57.

Nays—Messrs. Burnett, Cooper, Dupree, Franks, Morrison, Mullins, Pierson, Prissick, Robinson, Slaughter—10.

So the resolution was rejected.

A message was received from the Senate announcing that that body had passed Senate bill No. 87, to be entitled " An Act providing for the payment of district attorneys pro tem.," and substitute for Senate bill No. 130, to be entitled " An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," asking the concurrence of the House in the same.

Senate bills passed to orders of the day.

The hour having arrived for the consideration of business as pro-

vided in resolution adopted June 4, a bill reported by special committee, to be entitled "An Act to provide for the mode and manner of conducting elections, making returns, and for the protection of the purity of the ballot box," was read the first time.

On motion of Mr. Butler the rules were suspended and House bill No. 381, to be entitled "An Act to provide for the mode and manner of conducting elections, making returns, and for the protection of the purity of the ballot box," was read the second time.

On motion of Mr. Burnett Mr. Hawkins was granted leave of absence for thirty days from to-day.

On motion of Mr. Burnett the rules were suspended to take up Senate bills Nos. 87 and 130.

Senate bill No. 87, to be entitled "An Act providing for the payment of district attorneys pro tem.," read the first time and referred to Judiciary Committee.

Substitute for Senate bill No. 130, to be entitled "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," read the first time and referred to Committee on State Affairs.

On motion of Mr. Plumley the rule requiring all bills making appropriations to be considered in committee of the whole was suspended in the case of House bill No. 381.

Mr. Burnett offered the following amendment:

Strike out "1871," in line two of section seven, and insert in lieu thereof "1872."

Mr. McLean moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. McLean, Burnett and Harn, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Booty, Chambers, Ellis, Gaston, Hawkins, Kyle, Lacy, Leonard, McLean, McKee of Fannin, Moore of Red River, Robb, Simmons, Smyth, Stirman, Shelburne—19.

Nays—Messrs. R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Grothaus, George, Harn, Hamilton, Johnson, Kendall, Locke, Manning, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Sheriff, Slaughter, Spencer, Tegener, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller—41.

So the House refused to lay the amendment on the table.

The question recurring on the adoption of the amendment, the yeas and nays were called for by Messrs. Ellis, Davis and Chambers, and resulted as follows:

Yeas—Messrs. Richard Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks,

Grothaus, George, Harn, Hamilton, Johnson, Kendall, Locke, Manning, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Prissick, Robinson, Schlickum, Sheriff, Slaughter, Spencer, Tegener, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller—40.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Chambers, Ellis, Gaston, Hawkins, Jenkins, Lacy, Leonard, McLean, Moore of Red River, Posey, Plumley, Robb, Ross, Simmons, Smyth, Stirman, Shelburne—21.

So the amendment was adopted.

A message was received from the Senate announcing that that body had passed House bill No. 153, to be entitled "An Act appropriating money to pay a claim upon vouchers against the State." Also, that the Senate had appointed Senators Ruby, Priest and Bell as committee to confer with a like committee from the House on amendments to House bill No. 115.

Mr. Butler moved that a committee of five be appointed to confer with the committee appointed by the Senate on amendments to House bill No. 115. Carried.

The Speaker appointed Messrs. Plumley, Burnett, Richard Allen, Lane and Posey such committee.

Mr. Butler moved to amend House bill No. 381 as follows:

Strike out in section seven, in line two, the words "Monday of August," and insert "Tuesday of November."

Amendment adopted.

Mr. Burnett moved to reconsider the vote adopting the amendment, postponing the election from 1871 to 1872.

Mr. Butler moved to lay the motion to reconsider on the table. Carried.

Mr. Butler moved a reconsideration of the vote amending section seven, line two, by striking out the words, "Monday of August," and inserting in lieu thereof the words, "Tuesday of November." Carried.

Mr. Butler moved to amend the amendment so that the words to be inserted shall read as follows: "Tuesday after the first Monday of November." Amendment to the amendment adopted.

Amendment as amended adopted.

Mr. Abbott of Hill offered the following amendment:

In line two, section eleven, after the words, "to prison any," strike out the word "disorderly;" and after the words "person or persons," insert the words, "committing a felony or breach of the peace."

Mr. B. F. Williams moved a call of the House. Call sustained.

Absent—Messrs. Miller, Robinson and Schutze.

Mr. Slaughter moved that the House adjourn, upon which motion the yeas and nays were called for by Messrs. Dorris, Locke and Bonner, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Becton, Butler, Burley, Booty, Camp, Franks, Gardiner, Grothaus, Harn, Hamilton, Haswell, Hawkins, Lacy, Manning, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Robb, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Van Noy, Youngkin, Zapp—33.

Nays—Messrs. Austin, Abbott of Hill, Burnett, Bonner, Chambers, Cooper, Cotton, Cox, Dupree, Davis, Dorris, Ellis, Gaston, George, Johnson, Jenkins, Kyle, Kendall, Lane, Leonard, Locke, McLean, McKee of Fannin, McKee of Guadalupe, Moore of Red River, Posey, Pierson, Plumley, Prissick, Ross, Simmons, Smyth, Stirman, Shelburne, Spencer, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Zoeller—40.

So the House refused to adjourn.

On motion of Mr. Camp the call of the House was suspended.

The question being upon the adoption of the amendment offered by Mr. Abbott of Hill, it was adopted.

Mr. Leonard moved to amend section twelve by inserting after the word "end," in line second, the words "also numbering each ticket with the same number."

Amendment laid on the table.

Mr. Cooper moved to amend section fourteen by striking out the words "an offense punishable by death or imprisonment in the penitentiary," and insert in lieu thereof the words "a felony."

Amendment adopted.

Mr. Butler moved to amend section fourteen by striking out the words "charged with," and insert in lieu thereof the words "guilty of." Amendment adopted.

On motion of Mr. Plumley the rules were suspended, and House bill No. 183, to be entitled, "An Act legalizing a special tax levied by military order in Rusk county," was taken up out of its regular order and read second time, and ordered to be engrossed and read the third time.

On motion of Mr. Plumley the rules were further suspended to put the bill upon its final passage.

Bill read third time, passed, and its title was agreed to.

Mr. Dorris moved a suspension of the rules to take up out of its regular order House bill No. 92, to be entitled, "An Act to prevent unlawful intercourse between the sexes." Lost.

On motion of Mr. Grothaus the House, at 12:20 o'clock, P. M., adjourned until the regular hour to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, July 8, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Absent—Mr. Stockbridge.

Mr. Stockbridge was excused from attendance on account of sickness.

On motion of Mr. Burley the reading of yesterday's journal was dispensed with.

The Speaker and Mr. McKee of Fannin presented petitions signed by justices of the peace of Bexar and Fannin counties, asking the passage of a law conferring upon justices of the peace exclusively, the power of taking acknowledgments, etc.

Mr. McKee also presented a petition signed by the district clerk of Fannin county, protesting against the passage of such a law.

Above mentioned petitions read and referred to Judiciary Committee.

Mr. George presented a petition signed by citizens of Kentucky Town, asking the passage of a law prohibiting the sale of intoxicating liquors within one mile of Kentucky Town.

Also, a similar petition signed by citizens of Pilot Point, Denton county.

Petitions read and referred to Committee on Education.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 65, entitled "An Act to incorporate the Gulf Land Company of Galveston," and also House bill No. 79, entitled "An Act to reincorporate the Marine and Fire Insurance Company of Galveston, Texas," having duly considered the same, respectfully report them back, and recommend that they be passed.

Very respectfully,
BURNETT,
Chairman.

Report and bills passed to orders of the day.

Mr. Sinclair, Chairman of Committee on Education, submitted the following report:

COMMITTEE ROOM,
Austin, July 7, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 288, entitled "An Act to prohibit the sale of spirituous liquors near Union Academy, Fiskville, Travis county," have had the same under consideration, and herewith report the accompanying bill as a substitute for the one referred to them, and recommend its its passage.

Respectfully,
WM. H. SINCLAIR,
Chairman.

Report and bill passed to orders of the day.

Mr. Sinclair also submitted the following report:

COMMITTEE ROOM,
Austin, July 7, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Education, to whom was referred a memorial of the citizens of Johnson's Station, Tarrant county, asking the enactment of a law incorporating said town, and to prohibit the manufacture and sale of spirituous liquors within the corporate limits thereof, beg leave to report said memorial back with the recommendation that it be recommitted to the Committee on Town and City Corporations.

Respectfully,
WM. H. SINCLAIR,
Chairman.

Memorial recommitted to Committee on Town and City Corporations.

Mr. Grothaus, Chairman of Committee on Immigration, submitted the following report:

COMMITTEE ROOM,
Austin, July 7, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Immigration, to whom was referred House bill No. 346, entitled "A Bill to incorporate Chappell Hill Agricultural and Immigration Society," having duly considered the same, beg leave to report that, while the same does not give immigrants the necessary support and protection, it also treats, contrary

to the constitution, of two different and distinct objects, wherefore the committee request that the bill be laid upon the table.

Respectfully,

T. E. GROTHAUS,
Chairman of Committee.

Report and bill passed to orders of the day.

Mr. Camp, Chairman of Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,
Austin, July 7, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was referred a bill entitled "An Act for the relief of the estate of Thomas J. Chambers, deceased, together with the memorial of Mrs. Abby Thompson, administratrix of the estate of T. J. Chambers, deceased, praying the Legislature of the State of Texas to pay her in her said representative capacity for five thousand and four acres of land taken by the Republic of Texas for the permanent location of the seat of government," have had the same under consideration. and beg leave, respectfully, to report that they have carefully examined into the merits of the claim, both by the examination of documentary evidence and also of witnesses of high standing, that they have taken the opinion of the Attorney-General of the State and other eminent lawyers upon the same, and are convinced, under a full sense of the responsibility of the State to its citizens, and the responsibility of your committee to the State and the widow and minor heirs of General Chambers, to whom the land was granted for services to the government, that the said claim is founded in justice, and should receive the prompt action of this body. But, whilst your committee are impressed with the conclusion that the memorialist should be paid, yet, in view of the fact that the State has once paid parties—at that time supposed to be the rightful owners of the land—and at a price corresponding with the value of the land at the time of the purchase, they have had considerable difficulty in determining the amount that should now be granted. It seems, from the testimony, that in 1839 the land was condemned for the seat of government, laid off into lots, and many of the lots sold to individuals, for which the State received over three hundred thousand dollars, and that she still holds a considerable number of lots, still unsold, which are now very valuable. It is also found by your committee, as stated in said memorial, that the commissioners appointed by the government to pay for said land, under circumstances honorable to all concerned, paid other parties for the land which belonged to General

Chambers. And considering the fact that the State paid originally only fifteen thousand and twelve dollars for the land, at three dollars per acre, as has been shown, she has already realized on the lots sold a profit of about $285,000, besides the valuable lots yet unsold, together with the sites upon which her public buildings are erected. And considering the further fact that the memorialist has been kept out of the use and enjoyment of the profits arising from the sale of said land for over thirty years, your committee deem it but right and proper, under all the circumstances, as a matter of compromise, to allow her, in her representative capacity, the sum of one hundred and twenty thousand dollars, that the matter may be forever set at rest. Hence your committee offer the accompanying substitute, and respectfully ask that it do pass; believing as they do that its adoption would be more in accordance with the dignity and magnanimity of this great State, than to force the memorialist and her children, under their necessities, to sue the State under permission of the Legislature, which could not be refused, on a claim bearing on its face so many evidences of merit.

The adoption of this substitute will harmonize all parties, quiet the apprehensions of the present holders of the property, and save the State from a heavy expense which would inevitably arise by certain and protracted litigation.

L. B. CAMP,
Chairman.
L. W. COOPER,
H. MOORE,
ROBERT ZAPP,
B. B. LACY.

Report and bill passed to orders of the day.

A message was received from the Senate transmitting enrolled bills to be entitled "An Act to expedite the construction of the Southern Pacific Railroad," and "An Act making an appropriation to defray the Contingent and Printing Expenses of the Twelfth Legislature," which were presented to the Speaker, signed by him, and returned to the Senate.

Mr. Slaughter, Chairman of Committee on Finance submitted the following reports:

COMMITTEE ROOM,
July 7, 1870.

To the Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 351, entitled "An Act appropriating money to pay the ex-

pense of arming and maintaining ranging companies on the frontier, to pay for erection and maintenance of a military frontier telegraph, and to pay the expense of organization, arming and equipping the State Guard, have had the same under consideration and most respectfully recommend its passage.

SLAUGHTER,
Chairman.

COMMITTEE ROOM,
Austin, July 7, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 341, entitled "An Act for the issuance and sale of the bonds of the State, for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier, the erection and maintenance of a frontier telegraph, the organization of the reserve militia, and the organization, arming and equipment of the State Guard," have had the same under consideration, and most respectfully recommend its passage.

GEO. H. SLAUGHTER,
Chairman.

COMMITTEE ROOM,
Austin, July 7, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Finance, to whom was referred House bill No. 299, entitled "An Act making appropriations for the support of the State government for the fiscal year, commencing September 1, 1870, and ending August 31, 1871, and for deficiency incurred in the support of the State government for the fiscal year ending August 31, 1870," have had the same under consideration and most respectfully submit the following report:

Your committee recommend, in addition to allowances for the executive department, "*for the contingent expenses of the Governor's mansion*" the amount of five thousand dollars.

Your committee recommend further that the salaries of the superintendent of the blind asylum and that of the superintendent of the deaf and dumb asylum be raised to the amount of *two thousand dollars* each per annum.

With such amendments your committee recommends the passage of the bill.

SLAUGHTER, Chairman.

Reports and bills passed to orders of the day.

One hundred copies of report and House bill No. 299 ordered printed.

Mr. Dorris moved that one hundred copies be printed of House bill No. 92, to be entitled "An Act to prevent unlawful intercourse between the sexes," upon which motion the yeas and nays were called for by Messrs. Dorris, Pierson and Robinson, and resulted as follows:

Yeas—Messrs. Abbott of Austin, R. Allen, Burley, Cotton, Cox, Dupree, Dorris, Gardiner, Grothaus, George, Hamilton, Haswell, Hawkins, Kendall, Lacy, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Robinson, Schlotman, Tegener, Williams of Walker, Zapp, Zoeller—29.

Nays—Messrs. Austin, Becton, Booty, Burnett, Bonner, Chambers, Cooper, Camp, Davis, Ellis, Gaston, Johnson, Jenkins, Kyle, Lane, Leonard, Locke, McKee of Fannin, McLean, McKee of Guadalupe, Moore of Red River, Posey, Pierson, Prissick, Ross, Schlickum, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Van Noy, Weaver of Johnson, York, Youngkin—39.

So the House refused to order the bill printed.

Mr. Locke, Chairman of Committee on Agriculture and Stock-Raising, submitted the following reports:

COMMITTEE ROOM,
Austin, July 7, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 382, entitled "An Act to prevent fraud in selling brands," have had the same under consideration, most respectfully report the same back and recommend that it be laid on the table.

Very respectfully,

LOCKE, Chairman.

COMMITTEE ROOM,
Austin, Texas, July 7, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to

whom was referred House bill No. 368, entitled "An Act to incorporate the Sabine Valley Agricultural and Mechanical Society," have had the same under consideration, most respectfully report the same back with the following amendments, and recommend its passage:

Amend section seven, said section to be section six, and the subsequent sections to correspond in number with the preceding sections. Also amend section eleven by striking out all of said section after the word imposition, in line seven.

Very respectfully,

LOCKE,
Chairman of Committee.

Reports and bills passed to orders of the day.

Mr. Locke also submitted the following report:

COMMITTEE ROOM,
AUSTIN, Texas, July 7, 1870.

To Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred petition No. ——, asking the passage of a law to require hogs to be kept in enclosures, have had the same under consideration; most respectfully report the same back with the recommendation that it be not passed.

Very respectfully,

LOCKE,
Chairman of Committee.

On motion of Mr. Locke the petition was laid on the table.

Mr. Locke requested that an additional member be appointed on the Committee on Agriculture and Stock Raising.

The Speaker appointed Mr. George as additional member on said committee.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 40, have had the same under

consideration, and most respectfully beg leave to make the following report.

That from the many advantages that would accrue from changing the said county site from Owensville to Calvert, and from the great number of citizens petitioning the same, your committee believes that it is right and proper and due said citizens that said change should be made. Therefore, your committee recommend that said bill do pass.

COOPER,
Chairman,
YORK,
DUPREE,
BONNER.

On motion of Mr. Burley the rules were suspended to put on its second reading Senate bill No. 40, to be entitled "An Act to provide for permanently locating the county seat of Robertson county."

Senate bill No. 40 read the second time and ordered to be read the third time.

On motion of Mr. Grothaus the rules were further suspended; Senate bill No. 40 read the third time, passed, and its title agreed to.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
July 8, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 306, entitled "An Act to amend an an act entitled an act to incorporate the city of Jefferson, in Marion county," having had said bill under consideration, respectfully return the same with the following amendment, to-wit:

Section fourteen, fourth line, after the words "chief of police" add the words, "subject to the approval of a majority of the board of aldermen;" also in fifth line of said section, after the word "mayor," add the words "and aldermen."

And said bill, as thus amended, your committee recommend its passage.

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. Grothaus, from Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
July 8, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Engrossed Bills, to whom House bills Nos. 95 and 293 were referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

From House bill No. 75, to be entitled "An Act to incorporate the Screwmen's Benevolent Association of Galveston," the style of the laws of Texas, as defined by the third section of the third article of the Constitution of the State of Texas has been omitted. The proposed incorporators are styled in the first section "the undersigned" and "the subscribers," though they bear no such relation either to the section or the bill.

The sentence commencing on the ninth line of the second page with the words, "and the moneys arising," etc., is defective, and should, in the opinion of your committee, be amended by inserting between the words "estate" and "the" in the eleventh line of the second page the words "shall be applied." There are other errors or defects in the bill, to report upon which, in its present stage, would transcend the limits of the jurisdiction of your committee. But for the reasons above specified, they respectfully recommend that the bill be recommitted to the Committee on State Affairs.

Very respectfully,
Your obedient servant,

T. E. GROTHAUS,
Member of Committee.

Report accepted, and House bill No. 75, recommitted to Committee on State Affairs.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

Your Committee on Enrolled Bills instruct me to report that they have examined "An Act appropriating money to pay a claim upon vouchers against the State," and find the same correctly enrolled.

ROBINSON,
Chairman.

Report accepted.

Mr. Simmons, Chairman of Special Committee, submitted the following report:

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Select Committee, to whom was referred House bill No. 349, entitled, "An Act to incorporate the Texas State Medical Association," having carefully considered the same, respectfully report it back without amendment, and recommend its passage.

Very respectfully,
W. T. SIMMONS,
Chairman of Committee.

Report and bill passed to orders of the day.

Mr. Plumley, Chairman of Special Committee to confer with a like committee of the Senate on amendments to registration law, submitted the following report:

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

Your committee, appointed to confer with a committee of the Senate, upon section thirty-nine of the registration law, instruct me to report that the joint committee, in conference, have agreed to concur in the Senate's amendment, striking out section thirty-nine of said bill.

Very respectfully,
B. RUSH PLUMLEY,
Chairman of House Committee of Conference.

On motion of Mr. Plumley the report was adopted, and the House receded from its disagreement to the amendment of the Senate, striking out section thirty-nine to House bill 115.

Mr. Locke moved a suspension of the rules to take up out of its regular order House bill No. 98, to be entitled, "An Act to extend the time for the location of certain land certificates."

Rules suspended, and House bill No. 98 read the second time.

The hour having arrived for the consideration of business as provided by resolution adopted June four, on motion of Mr. Locke it was postponed fifteen minutes.

Mr. Locke moved to amend section one by adding the following:

"And provided, further, that all surveys properly made, and now on file in the General Land Office, not in conflict with any other valid claim, shall be valid, and the Commissioner of the General Land Office is hereby authorized to issue patents on the same."

On motion of Mr. Tegener, the amendment was adopted, the bill as amended ordered to be engrossed and read the third time.

By leave, Mr. Burnett, Chairman of Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
July 8, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on the Judiciary, to whom was referred House bill No. 73, entitled "An Act to regulate the registration of marriages, births and deaths in the State of Texas," having duly considered the same, respectfully report herewith a bill as a substitute for the same, entitled "An Act to provide for the registration of marriages, births and deaths," and recommend its passage.

The substitute is intended to meet the requirements of section twenty-nine of article twelve of the constitution, as follows: "Provision shall be made, under adequate penalties, for the complete registration of all births, deaths and marriages, in every organized county of the State."

Very respectfully,

BURNETT,
Chairman.

Report, bill and substitute passed to orders of the day.

Mr. Ellis introduced a bill to be entitled "An Act to incorporate the Lake Fork Toll Bridge Company," and a bill to be entitled "An Act to incorporate the Sabine Toll Bridge Company."

Bills read the first time, and referred to Committee on Roads, Bridges and Ferries.

By leave, Mr. Butler, Chairman of Committee on Penitentiary, submitted the following report and joint resolution:

COMMITTEE ROOM,
July 8, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Penitentiary having had under consideration the subject of establishing branch penitentiaries, have decided to postpone final action until the meeting of the Legislature at its next session, and instruct me to report the following joint resolution and recommend its adoption.

J. P. BUTLER.
Chairman of Committee.

Resolved by the Legislature of the State of Texas, That a joint committee of three, consisting of Senator P. W. Hall, and Representatives Fritz Tegener and J. W. Lane, be and they are hereby appointed to visit during the recess of the Legislature such

portions of the State west of the Colorado river and north of the thirty-second parallel, north latitude, as may present suitable sites for the location of branch penitentiaries; having in view salubrity, water power, building materials and all other considerations of health, economy and ease of access; and it shall be the duty of said committee to make a full report to the next session of this Legislature of their work, with such suggestions and recommendations as they may deem necessary and proper; and for such service the members of the committee shall be entitled to draw from the contingent fund of the Legislature the amount of expenses actually incurred in the performance of their duty, and eight dollars for each day actually employed.

Joint resolution read the first time.

Mr. Butler moved a suspensson of the rules to put the joint resolution on its second reading.

The time postponing the special order having expired, it was further postponed ten minutes.

The question being on the motion of Mr. Butler to suspend the rules, the yeas and nays were called for by Messrs. Davis, Robinson and Richard Allen, and resulted as follows:

Yeas--Messrs. Austin, Abbott of Austin, H. R. Allen, Butler, Burley, Burnett, Chambers, Cooper, Cotton, Camp, Cox. Dupree, Gaston, Grothaus, George, Harn, Hamilton, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Manning, Morrison, Moore of Harrison, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Ross, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Spencer, Tegener, Williams of Walker, Weaver of Johnson, York, Youngkin—51.

Nays—Messsrs. Richard Allen, Abbott of Hill, Beeton, Booty, Davis, Dorris, Ellis, Gardiner, Morris, Posey, Pierson, Robinson, Simmons, Williams of Colorado—14.

So the rules were not suspended, four-fifths of the members present not voting for the same.

A message was received from the Senate announcing that the President of the same had signed enrolled bill, to be entitled, "An Act to pay a claim on vouchers against the State;" also, that the Senate had adopted the report of the Committee on Conference, in regard to the amendment to House bill No. 115.

The time postponing the special order having again expired, on motion of Mr. Austin it was postponed for ten minutes.

Mr. Austin introduced a bill, to be entitled, "An Act to levy a special tax in Lamar county."

Bill read the first time.

Mr. Slaughter moved that the special order be postponed for the day, and to take up out of its regular order House bill No. 341, to be entitled, "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations for maintaining ranging companies on the frontier, the erection and maintenance of a frontier telegraph, the organization of the reserve militia, and the organization, arming and equipment of the State Guard."

Carried.

House bill No. 341 read the second time.

On motion of Mr. Butler the first section was so amended that the bonds should bear a rate of interest of *eight* instead of *seven* per cent.

On motion of Mr. Slaughter the rule requiring all bills making appropriations to be considered in Committee of the Whole, was suspended in this case.

House bill No. 341 was ordered to be engrossed and read third time.

On motion of Mr. Butler the rules were further suspended, House bill No. 341 read the third time and passed by the following vote:

Yeas—Messrs. Abbott of Austin, Richard Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Johnson, Kendall, Leonard, Locke, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Spencer, Tegener, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp, Zoeller—47.

Nays—Messrs. Austin, Abbott of Hill, Booty, Chambers, Ellis, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Lane, McLean, McKee of Fannin, Miller, Posey, Pierson, Prissick, Robb, Ross, Simmons, Smyth, Stirman, Weaver of Johnson—23.

The title to the bill was agreed to.

Mr. Slaughter moved a suspension of the rules to take up out of its regular order House bill No. 351, to be entitled "An Act appropriating money to pay the expenses of arming and maintaining ranging companies on the frontier, to pay for the erection and maintenance of a military frontier telegraph, and to pay the expense of organizing, arming and equiping the State Guard."

Rules suspended and House bill No. 351 read the second time.

On motion of Mr. Grothaus the rule requiring all appropriations to be considered in Committee of the Whole was suspended in this case.

House bill No. 351 was then ordered to be engrossed and read the third time.

Mr. Tegener moved that the rules be further suspended to put the bill on its final passage.

Rules suspended, House bill No. 351 read the third time and passed by the following vote:

Yeas—Messrs. Abbott of Austin, R. Allen, Butler, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Kendall, Locke, Manning, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Posey, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Spencer, Tegener, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp, Zoeller—45.

Nays—Messrs. Austin, Abbott of Hill, Becton, Chambers, Ellis, Gaston, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Mckee of Fannin, Miller, Pierson, Prissick, Robb, Ross, Simmons, Smyth, Stirman—23.

The title of the bill was agreed to.

Mr. Slaughter moved that the rules be suspended to take up out of its regular order substitute for Senate bill No 165, to be entitled "An Act making an appropriation for certain purposes."

Rules suspended and bill read the second time.

On motion of Mr. Cooper the rule requiring all appropriations to be considered in Committee of the Whole was suspended in this case.

Substitute for Senate bill No. 165 was then ordered to be read the third time.

On motion of Mr. Burnett the rules were further suspended, substitute for Senate bill No. 165 read the third time and passed by the following vote:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, Hamilton, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Manning, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Robb, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Youngkin, Zapp, Zoeller—62.

Nays—Messrs. Bonner, Ellis, George, Prissick—4.

The title of the bill was agreed to.

Mr. Burnett moved a suspension of the rules to take up out of its regular order House joint resolution No. 14, for the relief of John T. Allan, late State Treasurer.

Rules suspended and joint resolution read the second time.

On motion of Mr. Grothaus the rule requiring all bills making appropriations to be considered in Committee of the Whole was suspended in this case, and the joint resolution was ordered to be engrossed and read the third time.

Mr. Burnett moved a further suspension of the rules to put House joint resolution No. 14 on its final passage. Carried.

On motion of Mr. Burnett the rule requiring all appropriations to be made by bill was suspended in this case.

House joint resolution was then read the third time, and the yeas and nays being taken resulted as follows:

Yeas—Messrs. H. R. Allen, R. Allen, Becton, Butler Burley, Booty, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Gardiner, Grothaus, Harn, Hamilton, Johnson, Jenkins, Kendall, Locke, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Posey, Pierson, Plumley, Prissick, Schlotman, Schutze, Sheriff, Slaughter, Van Noy, Williams of Walker, Williams of Colorado, Youngkin, Zapp—40.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Bonner, Chambers, Ellis, Franks, Gaston, George, Kyle, Lacy, Lane, Leonard, Manning, McKee of Fannin, Miller, Robb, Schlickum, Simmons, Sinclair, Smyth, Stirman, Spencer, Tegener, Weaver of Johnson, Zoeller—26.

So the joint resolution did not pass, two-thirds of the members present not voting for the same.

On motion of Mr. Plumley the rules were suspended to take up bills and joint resolutions on their third reading.

House bill No. 95, to be entitled "An Act to incorporate the Irving Literary Society of the city of San Antonio," was read the third time, passed, and its title was agreed to.

House joint resolution No. 7, in regard to removing the mortal remains of Governor Sam Houston from the city of Huntsville to Independence, was read third time, passed, and its title was agreed to.

On motion of Mr. Plumley the rules were suspended to take up out of its regular order House bill No. 22, to be entitled "An Act to incorporate the Pittsville Cotton Manufacturing Company of Pittsville, Fort Bend county."

House bill No. 22 read second time and ordered to be engrossed, and read the third time.

Mr. Austin moved to reconsider the vote just taken on the passage of House joint resolution No. 14.

Pending which, the House, on motion of Mr. Cox (at 12:30 P. M.), adjourned until the regular hour to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 9, 1870.

House met pursuant to adjournment; Speaker Evans in the Chair. Roll called; quorum present.

Absent—Messrs. Ellis and Ross.

On motion of Mr. Austin the reading of yesterday's journal was dispensed with.

On motion of Mr. Austin leave of absence was granted Mr. McKee of Fannin for thirty days from Monday next.

Messrs. Ellis and Ross were excused from attendance for the day.

Mr. Gardiner presented the petition of Frank G. Hill, a minor, asking to be relieved from certain disabilities.

Mr. Smyth presented a petition signed by justices of the peace of Polk county, asking the passage of a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Mr. Harn presented the petition of the district clerk of Madison county protesting against the passage of such a law.

Petitions read and referred to Judiciary Committee.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
July 9, 1870.

Hon. IRA H. EVANS
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred Senate bill No. 87, entitled "An Act providing for the payment of district attorneys *pro tem.*," having duly examined the same, respectfully report it back with a recommendation that it be passed.

Very respectfully,

BURNETT,
Chairman.

Report and bill passed to orders of the day.

Mr. Burnett also submitted the following report:

COMMITTEE ROOM,
July 9, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary have, in obedience to instructions contained in a resolution passed by the House on the 6th

inst., duly considered the propriety of passing a general law in relation to authorizing the several counties in this State to levy special taxes to discharge their outstanding indebtedness, etc., and respectfully report herewith a bill to be entitled "An Act providing for the payment of the outstanding indebtedness of the several counties," and recommend its passage.

Very respectfully,

BURNETT,
Chairman.

A message was received from the Senate transmitting enrolled bill to be entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated," which was presented to the Speaker, signed by him, and returned to the Senate.

Also, announcing that the Senate had passed House bill No. 17, to be entitled "An Act to incorporate the Jewish Congregation 'B'nai Israel' of Galveston, Texas," and substitute for Senate bill No. 20, to be entitled "An Act regulating the right to keep and bear arms," asking the concurrence of the House in the latter.

Mr. Austin moved a suspension of the rules to take up the bill just reported by the Judiciary Committee.

Rules suspended and a bill to be entitled "An Act providing for the payment of the outstanding indebtedness of the several counties," read the first time.

Mr. Zoeller moved a further suspension of the rules to put the bill on its second reading.

Rules suspended, the bill read the second time, ordered to be engrossed and read the third time.

One hundred copies of the bill ordered printed.

On motion of Mr. Burnett the bill was made the special order for Monday next at 10:30 o'clock A. M.

Mr. Morris, Chairman pro tem. of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
July 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 350, entitled "An Act for the relief of the Houston and Texas Central Rai way Company," have carefully considered the same, and instructed me to report said bill, with accompanying amendments to the House, with the recommendation that it pass.

Your committee are of the opinion that the exchange of bonds,

provided for in said bill, will be not only safe, but to the advantage of the State, while it will enable the company to use a large sum in the construction of their roads.

Your committee deem it but simple justice to the company, under existing circumstances, to grant it the right to build a road from Brenham to Austin, and to make the whole road from Hempstead to Austin a part of the Central Railway.

Your committee are of the opinion that the Houston and Texas Central Railway Company has already done much to develop the resources of the State, and to attract capital to Texas as a great theatre for enterprise; and that the company is entitled to the confidence of the State, and to all the relief proposed in the bill.

Very respectfully,
C. D. MORRIS,
Chairman pro tem. of Committee.

Report and bill passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM.
Austin, July 9, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was recommitted House bill No. 86, entitled "An Act to incorporate the town of Canton, in Van Zandt county," having had the same under consideration, respectfully return a substitute therefor, and recommend the passage of said substitute.

Respectfully,
C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. Youngkin, Chairman of Committee on Roads, Bridges and Ferries, submitted the following reports:

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 383, entitled "An Act to incorporate the Lake Fork Toll Bridge Company," having had the same under consideration, beg leave to report back the same with the following amendments:

That section five be so amended as to read: "That no other bridge shall be constructed across said Lake Fork within three miles above

or three miles below said bridge company; and that said bridge shall be completed within two years from and after the passage of this act."

With such amendments, your committee recommend the passage of the bill.

Respectfully,

YOUNGKIN, Chairman.

COMMITTEE ROOM,
July 8, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 14, entitled "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," having had the same under consideration, beg leave to report back the same with the following amendment:

Amend section one by striking out the name of J. A. Bridgeland.

With such amendment, your committee recommend the passage of the bill.

Respectfully,

YOUNGKIN,
Chairman.

COMMITTEE ROOM,
July 8, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 205, entitled "An Act to incorporate the Bryan Bridge Company," having had the same under consideration, beg leave to report back the same with accompanying substitute, and recommend the passage of the substitute instead of the original bill, with the following amendment:

Amend by adding: "Section 7. Said charter to continue and be in force twenty years from and after the passage of the bill."

With such amendment, your committee recommend the passage of the bill. Respectfully,

YOUNGKIN,
Chairman.

COMMITTEE ROOM.
July 8, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom

was referred House bill 330, entitled, "An Act to authorize the police courts of the State to grant license to construct toll bridges and ferries," having had the same under consideration, beg leave to report back the same. with the recommendation that it do not pass.

Respectfully,

YOUNGKIN,
Chairman.

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 363, entitled, "An Act to incorporate the Gatesville Bridge Company, and to authorize the county court of Coryell county to levy and collect a special tax to build the same," having had the same under consideration, beg leave to report back the same, with the recommendation that it do not pass.

Your Committee would state that said bill contains two distinct objects, one for the incorporation of said bridge company, and the other to authorize the levy of special taxes to construct the same, Your Committee are clearly of the opinion that the constitution of our State prohibits the same, wherefore they recommend the bill do not pass.

Respectfully,

YOUNGKIN,
Chairman.

COMMITTEE ROOM,
July 8, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 365, entitled, "An Act to incorporate the Falls county Turnpike and Bridge Company," having had the same under consideration, beg leave to report back the same with the following amendments:

That section five be so amended as to read: "That said company shall keep a ferry boat, when the bridge is out of order, until the same is put in repair."

That an additional section nine be added so as to read: "That said Turnpike Road and Bridge Company shall be completed within five years from and after the passage of this act."

With such amendments your committee recommend the passage of the bill.

Respectfully,

YOUNGKIN,
Chairman.

Reports and bills passed to orders of the day.

Mr. Johnson, Chairman of Committee on Public Buildings and Grounds, submitted the following report:

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. IRA H EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Public Buildings and Grounds, to whom was referred House bill 366, to be entitled "An Act to provide for creating the office of State Engineer and Superintendent of Public Works," ask leave to report the same back and recommend its passage with the following amendments:

Commencing in the fifth line of section eight of the bill, strike out the words, "orders of the State Engineer and General Superintendent of Public Works," and insert "laws of the State."

In the thirteenth line of section eight, strike out "obey his orders," and insert, "comply with the laws regulating railroads."

Amend by inserting, after section eleven, as follows:

12. The said State Engineer and Superintendent of Public Works shall have the same authority over bridges and ferry boats in public use, as over railroads and other public improvements.

13. The said Engineer and Superintendent of Public Works is charged with the planning, construction, extension and repairs of all public buildings and works the property of the State.

14. This act, etc.

J. W. JOHNSON,
Chairman.

Report and bill passed to orders of the day.

Mr. Grothaus, from Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, July 9, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Engrossed Bills, to whom House bills Nos. 98, 297 and 351 have been referred, having carefully ex-

amined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
Your obedient servant,
F. E. GROTHAUS,
Member of Committee.

Report accepted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

I have the honor to report that "An Act to pay certain vouchers against the State," has this day been presented to the Governor for his approval.

ROBINSON,
Chairman.

Report accepted.

Mr. Simmons introduced a bill to be entitled "An Act to incorporate the Galveston, Bolivar Point and Beaumont Railway Company."

Bill read the first time and referred to Committee on Internal Improvements.

On motion of Mr. Camp, the rules were suspended to take up out of its regular order House bill No. 102, to be entitled "An Act for the relief of the Texas and New Orleans Railroad Company and to protect them in the enjoyment of their rights."

Mr. Butler moved that the bill be recommitted to Committee on Internal Improvements, upon which motion the yeas and nays were called for by Messrs. R. L. Moore, Chambers and Haswell, and resulted as follows:

Yeas—Messrs. R. Allen, Butler, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, George, Harn, Hamilton, Johnson, Kendall, Mullins, Medlock. Posey, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Shelburne, Spencer, Tegener, Williams of Walker, Williams of Colorado, Zoeller—32.

Nays—Messrs. Austin, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Chambers, Camp, Cox, Gaston, Grothaus, Haswell, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Manning, Moore of Harrison, Morris, McLean, McKee of Fannin, McKee of Guadalupe, Mitchel, Moore of Red River, Pierson,

Plumley, Simmons, Smyth, Stirman, Van Noy, Weaver of Johnson, Young, York, Zapp—37.

So the House refused to recommit the bill.

On motion of Mr. Plumley the bill was made the special order for Tuesday next at 12 o'clock, noon, in Committee of the Whole.

Mr. Tegener introduced a bill to be entitled "An Act to incorporate the Land Owners Association of Texas."

Also, a bill to be entitled "An Act to incorporate the Texas Land Company."

Bills read the first time and referred to Committee on State Affairs.

Mr. Camp offered the following joint resolution:

Joint resolution concerning adjournment and reconvening of the Legislature of Texas:

Section 1. *Be it resolved by the Senate and House of Representatives*, That the Legislature of the State of Texas adjourn on the twenty-sixth day of July at 10 o'clock A. M., and reconvene again on the first Tuesday in November at 10 o'clock A. M.

2. That this resolution take effect and be in force from and after its passage.

Joint resolution read the first time.

Mr. Morris moved a suspension of the rules to put the joint resolution on its second reading.

Upon which motion the yeas and nays were called for by Messrs. Burnett, Cooper and Schutze, and resulted as follows:

Yeas—Messrs. Austin, Becton, Butler, Booty, Chambers, Cooper, Camp, Cox, Franks, Gardiner, Grothaus, George, Johnson, Jenkins, Lacy, Lane, Leonard, Locke, Manning, Moore of Harrison, Morris, McKee of Fannin, Mullins, Moore of Red River, Prissick, Schlotman, Sheriff, Simmons, Sinclair, Smyth, Stirman, Shelburne, Spencer, Tegener, Van Noy, Weaver of Johnson, Young, York—38.

Nays—Messrs. Abbott of Austin, Richard Allen, Abbott of Hill, Burley, Burnett, Cotton, Dupree, Davis, Dorris, Gaston, Harn, Hamilton, Haswell, Kyle, Kendall, McLean, McKee of Guadalupe, Mitchel, Medlock, Posey, Pierson, Robinson, Schlickum, Schutze, Slaughter, Williams of Walker, Williams of Colorado, Zapp, Zoeller—29.

So the House refused to suspend the rules, four-fifths of the members present not voting for the same.

Mr. Robinson introduced a bill to be entitled "An Act constituting advances made to assist in securing a crop a lien on the crop and stock."

Bill read the first time and referred to the Judiciary Committee.

Mr. Slaughter moved to reconsider the vote taken yesterday by which the House refused to have printed House bill No. 92, to be entitled "An Act to prevent unlawful intercourse between the sexes."

Mr. Burnett moved to lay the motion to reconsider on the table.

Upon which motion the yeas and nays were called for by Messrs. Chambers, Dorris and Davis, and resulted as follows:

Yeas—Messrs. Booty, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Davis, George, Harn, Hamilton, Johnson, Jenkins, Kyle, Lane, Locke, Manning, McLean, McKee of Fannin, Pierson, Prissick, Schutze, Sheriff, Sinclair, Shelburne, Van Noy, York, Youngkin, Zoeller—29.

Nays—Messrs. Austin, Abbott of Austin, Richard Allen, Abbott of Hill, Becton, Burley, Dupree, Dorris, Franks, Gardiner, Grothaus, Haswell, Kendall, Lacy, Leonard, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Posey, Plumley, Robinson, Schlickum, Schlotman, Slaughter, Smyth, Stirman, Spencer, Tegener, Williams of Walker, Weaver of Johnson, Williams of Colorado, Zapp—34.

So the House refused to lay the motion to reconsider on the table.

A message was received from the Senate transmitting Senate enrolled bill, to be entitled "An Act to incorporate the Bellville, Hempstead and Brazos Bridge Company," which was presented to the Speaker, signed by him in open session, and returned to the Senate.

The question being on the motion of Mr. Slaughter to reconsider the vote by which the House refused to have House bill No. 92 printed, the yeas and nays were called for by Messrs. Dorris, Medlock and Mullins, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Richard Allen, Abbott of Hill, Becton, Dupree, Dorris, Gardiner, Grothaus, George, Hamilton, Kendall, Lacy, Moore of Harrison, Mitchel, Mullins, Medlock, Posey, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Slaughter, Spencer, Williams of Walker, Williams of Colorado, Zapp—29.

Nays—Messrs. Burley, Booty, Chambers, Cooper, Cotton, Camp, Cox, Davis, Harn, Haswell, Johnson, Jenkins, Kyle, Lane, Leonard, Locke, Manning, McLean, McKee of Fannin, McKee of Guadalupe, Pierson, Simmons, Sinclair, Smyth, Stirman, Shelburne, Tegener, Van Noy, Weaver of Johnson, York, Youngkin, Zoeller—32.

So the House refused to reconsider.

The hour arrived for the consideration of the special order of the day under the resolution adopted June 4, viz: House bill No. 381,

to be entitled "An Act to provide for the mode and manner of conducting elections, making returns, and for the protection of the purity of the ballot box."

Mr. Austin moved to amend by striking out section forty-six.

On motion of Mr. Locke the amendment was laid on the table.

Mr. Cooper moved to amend section fifty by inserting in line two, after the word "than" the words "twenty nor more than."

Amendment adopted.

Mr. Jenkins moved to amend section three by striking out the word "misdemeanor," in lines eight and eleven, and inserting in lieu thereof the word "felony."

Amendment adopted.

Mr. Abbott of Hill moved to recommit to the select committee on election bill sections sixteen, thirty-three, thirty-four, thirty-five and thirty-eight. Lost.

Mr. Cooper moved to amend section fifty-four by inserting after the word "fined," in line five, the words "not less than one hundred dollars."

Amendment adopted.

Mr. Jenkins moved to amend section thirty-one by striking out the word "misdemeanor," in line twelve, and inserting in lieu thereof the word "felony."

Amendment adopted.

Mr. Plumley moved to amend section fifty-nine by inserting in line three, before the word "dollars" the words "ten thousand."

Amendment adopted.

The bill was then ordered to be engrossed and read the third time.

Mr. Butler moved a suspension of the rules to put the bill on its final passage.

Rules suspended, House bill No. 381 read the third time, and passed by the following vote:

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Butler, Bailey, Burnett, Cooper, Camp, Cox, Dupree, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Kendall, Locke, Manning, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Slaughter, Stirman, Williams of Walker, Williams of Colorado, York, Zoeller—40.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Chambers, Gaston, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Hamin, Miller, Posey, Simmons, Smyth, Shelburne, Weaver of Johnson—19.

The title of the bill was agreed to.

On motion of Mr. Camp the rules were suspended to take up out

of its regular order House bill No. 146, to be entitled "An Act legalizing the acts of the police court of Goliad county in acting under the acts of the Legislature of 1866."

House bill No. 146 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Grothaus the rules were further suspended, House bill No. 146 read the third time, passed and its title agreed to.

Mr. Kyle moved a reconsideration of the vote by which the House yesterday refused to pass joint resolution No. 14, for the relief of John T. Allan, late State Treasurer.

Mr. C. L. Abbott moved to lay the motion to reconsider on the table, upon which the yeas and nays were called for by Messrs. Chambers, Burnett and C. L. Abbott.

The roll being called it was found there was not a quorum present.

On motion of Mr. Burley the House, at 12:30, P. M., adjourned until the usual hour Monday next.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 11, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Absent—Messrs. H. R. Allen, Bonner and Chambers.

On motion of Mr. Franks the reading of the journal of Saturday, July ninth, was dispensed with.

On motion of Mr. Becton, Mr. Van Noy was excused from attendance indefinitely from Monday next, on account of ill health.

Mr. H. R. Allen was excused from attendance for the day on account of sickness.

Messrs. Robb, Smyth, C. L. Abbott and Ross presented petitions signed by justices of the peace of Trinity, Orange, Austin and Johnson counties, asking the passage of a law conferring upon justices of the peace, exclusively, the power of taking acknowledgments etc.

Mr. Abbott of Hill presented a petition signed by the district clerk of Hill county, protesting against the passage of such a law.

Mr. Cooper presented a memorial signed by the Police Court of Houston county for relief.

Petitions and memorial read and referred to Judiciary Committee.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, July 11, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred House bill No. 76, entitled "An Act regulating the creation of private corporations, their powers, duties, liabilities, etc.," respectfully report the same back and recommend its passage.

Very respectfully,
BURNETT,
Chairman.

Report and bill passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
July 11, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom

was referred House bill No. 334, entitled "An Act to incorporate the town of Quitman, in Wood county, having had the same under consideration, respectfully return said bill, with the following amendments, to-wit:

Section one, fifth line, insert after the words "under the," the following words: "name and;" in sixth line, after the word "Quitman," insert the words "said corporation;" in seventh line, after the word "sued," insert the words "plead and be impleaded;" in seventh and eighth lines, strike out the words "and suits whatever," and insert the words "of this State."

Section three, second line, strike out the word "and" after the word "alderman," and insert said word "and" after the word "mayor;" in thirteenth line, strike out the word "settling" and insert the word "preserving."

Section five, in last line after the words "corporate limits," add the following, "and all male inhabitants who have resided within said corporate limits for the space of four months next preceeding any election, and who are qualified voters, under the constitution and laws of the State, shall be deemed qualified electors in said corporate elections."

Section six, in last line, after the word "dollars," add the following: "provided no tax shall be levied exceeding one-half the State tax allowed by law."

Section seven, in seventh line, strike out the words "do no" and insert the words "does not."

Section eight, in last line, after the word "passage," add the words "subject to the provisions of an act entitled 'An Act to authorize the Governor to appoint certain officers to fill vacancies.'" passed by this Legislature.

And said bill, as thus amended, your committee would respectfully recommend its passage.

C. D. MORRIS, Chairman.

Rrport and bill passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 11, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives.:

SIR: Your committee to whom House bills Nos. 22, 146 and 177 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Respectfully,
STOCKBRIDGE.

Report accepted.

Mr. Simmons, Chairman of Special Committee, submitted the following report:

COMMITTEE ROOM,
Austin, July 11, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: The Special Committee, to whom was referred House bill No. 66, entitled "An Act to be entitled an act to provide for compounding, dispensing and sale of drugs, medicines and poisons," have carefully examined the same, and beg leave to report the same back, with substitute, and earnestly recommend its passage.

W. B. SIMMONS,
Chairman of Committee.

Report and bill passed to orders of the day.

A message was received from the Governor.

Mr. George introduced a bill to be entitled "An Act to provide for the sale of county school land."

Bill read the first time, and referred to Committee on Education.

Mr. Lock introduced a bill to be entitled "An Act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal an act entitled 'An Act to incorporate the city of San Antonio,' approved July 17, 1856, and an act entitled 'An Act to amend the act to incorporate the city of San Antonio,' approved July 17, 1860."

Bill read the first time, and referred to Committee on Town and City Corporations.

Mr. Kendall introduced a bill to be entitled "An Act to protect from forced sale the agricultural products of all heads of families, and to regulate the sale thereof."

Bill read the first time, and referred to the Judiciary Committee.

On motion of Mr. Franks the rules were suspended to allow the reading of the following message from the Governor:

EXECUTIVE OFFICE,
Austin, July 9, 1870.

To the honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: I have the honor to inform you that the following named acts have been received by me and approved, to-wit:

"An Act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature," approved June 8, 1870.

"An Act to create and provide for the organization of the county of Rains," approved June 9, 1870.

"An Act authorizing quarantine on the coast of Texas and elsewhere within the State," approved June 10, 1870.

"An Act to provide for the protection of the frontier," approved June 13, 1870.

"An Act requiring the late assessors and collectors to complete the assessment of taxes in their respective counties, and make return thereof to the Comptroller of Public Accounts on or before the first of August, 1870," approved June 15, 1870.

"An Act to provide for the distribution of the money in the State Treasury, which is due to the several counties in the State," approved June 15, 1870.

"An Act to prevent cessation of judicial functions and to avoid doubts of the validity of judgments and other regular proceedings of the supreme, criminal and district judges and courts," approved June 18, 1870.

"An Act to legalize an ordinance adopted by the convention on the thirteenth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad Company in Falls and McLennan counties," approved June 18, 1870.

"An Act to incorporate the Magnolia Grove Association," approved June 20, 1870.

"An Act making appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas," approved June 23, 1870.

"An Act to confirm the compromises and settlements between the corporation of the city of Galveston, the Galveston City Company, the Houston and Galveston Wharf and Press Company, and the Galveston Wharf Company," approved June 23, 1870.

"An Act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense," approved June 24, 1870.

"An Act to incorporate the Island City Real Estate and Homestead Association," approved June 24, 1870.

"An Act authorizing F. A. Vaughn, Wm. Saffold and George P. Smith, of Guadalupe county, to construct and build a bridge across the Guadalupe river near the town of Seguin," approved June 28, 1870.

"An Act to provide for the appointment by the Governor of certain officers to fill vacancies," approved June 28, 1870.

"An Act to incorporate the Texas Banking and Insurance Company," approved July 1, 1870.

"An Act permanently establishing the county seat of Hopkins county," approved July 1, 1870.

"An Act to establish State Police and to provide for the government of the same," approved July 1, 1870.

"An Act for the relief of the East Texas Agricultural and Mechanical Association," approved July 2, 1870.

"An Act to provide for districting the State of Texas into judicial districts," approved July 2, 1870.

"An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature," approved July 8, 1870.

"An Act appropriating money to pay a claim upon vouchers against the State," approved July 8, 1870.

"An Act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas," approved July 8, 1870.

Respectfully,

EDMUND J. DAVIS,
Governor.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 9, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

Your Committee on Enrolled Bills instruct me to report that they have examined "An Act to provide for the registration of voters," and find it to be correctly enrolled.

ROBINSON,
Chairman.

Report accepted.

By leave, Mr. Sinclair, Chairman of Committee on Education, submitted the following report:

COMMITTEE ROOM,
Austin, July 11, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 125, entitled "An Act to provide for public instruction," have had the same under consideration and herewith report the accompanying bill as a substitute for the one referred to them, and respectfully recommend that one hundred copies be printed and placed upon the desks of members.

Respectfully,

SINCLAIR,
Chairman.

Report, bill and substitute passed to orders of the day.

One hundred copies of substitute ordered printed.

Mr. Slaughter offered the following concurrent resolution:

Resolved, (the Senate concurring,) That this Legislature adjourn on the first day of August next, at twelve o'clock noon, to reassemble at its first regular session on the first Monday in December next.

Resolution read first and second times.

The hour having arrived for the consideration of the special order of the day, on motion of Mr. Butler it was postponed for five minutes.

Mr. Plumley moved that the resolution offered by Mr. Slaughter be made the special order for Wednesday next at twelve o'clock noon. Lost.

Mr. Butler moved to amend the resolution by striking out the word "December" and inserting in lieu thereof the word "November," and also by striking out the words "at its first regular session."

Mr. Franks offered the following amendment to the amendment: Strike out the words "first Monday in December," and insert in lieu thereof the words "Fifteenth day of October."

Mr. Slaughter moved to lay the amendment to the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Davis, Schutze and Ellis, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Abbottt of Hill, Becton, Butler, Booty, Camp, Cox, Dorris, Gardiner, George, Hawkins, Johnson, Lucy, Lane, Leonard, Locke, Manning, Morrison, Morris, McLean, McKee of Guadalupe, Mullins, Moore of Red River, Pierson, Plumley, Prissick, Robb, Ross, Sheriff, Simmons, Slaughter, Smyth, Stirman, Shelburne, Spencer, Tegener, Williams of Walker, Weaver of Johnson—39.

Nays—Messrs. R. Allen, Burley, Burnett, Cooper, Cotton, Dupree, Davis, Ellis, Franks, Gaston, Grothaus, Hamilton, Jenkins, Kyle, Kendall, Moore of Harrison, Mitchel, Medlock, Posey, Robinson, Schlickum, Schletman, Schutze, Sinclair, Van Noy, Williams of Colorado, York, Youngkin, Zapp, Zoeller—30.

So the amendment to the amendment was laid on the table.

The time for which the special order was postponed having expired, on motion of Mr. Slaughter it was again postponed until eleven o'clock.

Mr. Richard Allen moved to lay the resolution and amendment on the table, upon which the yeas and nays were called for by Messrs. Slaughter, Locke and Leonard, and resulted as follows:

Yeas—Messrs. Abbott of Austin, R. Allen, Abbott of Hill, Burley, Cotton, Davis, Ellis, Franks, Hamilton, Hawkins, Jenkins,

Kyle, Morrison, McLean, McKee of Guadalupe. Moore of Red River, Plumley, Robinson, Schlickum, Schutze—20.

Nays—Messrs. Austin, Becton, Butler, Booty, Cooper, Camp, Cox, Dupree, Dorris, Gaston, Gardiner, Grothaus, George, Haswell, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Manning, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Posey, Pierson, Prissick, Robb, Ross, Schlotman, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zoeller—49.

So the House refused to lay the resolution and amendment on the table.

The question recurring on the amendment offered by Mr. Butler, it was adopted.

Mr. Schutze moved to amend the resolution by striking out the word "adjourn" and inserting in lieu thereof the words "take a recess."

On motion of Mr. Sinclair, the consideration of the whole matter was postponed until 8 o'clock this evening.

Mr. Slaughter offered the following resolution:

Resolved, That for the remainder of this session this House will hold an evening session, commencing at 8 P. M., in addition to its regular morning session.

Resolution read first and second times.

Mr. B. F. Williams moved to lay the resolution on the table. Lost.

On motion of Mr. Slaughter the resolution was adopted.

Mr. Schutze, by leave, presented the petition of the draftsmen of the general land office for relief.

Petition read and referred to Committee on Public Lands and Land Office.

The time for which the special order was postponed having expired, it was again, on motion of Mr. Sinclair postponed for ten minutes.

Mr. Morrison introduced a bill to be entitled "An Act to incorporate Salter's Commercial and Literary College."

Bill read the first time and referred to Committee on Education.

Also, a bill to be entitled "An Act making an appropriation for the purpose of covering a deficiency in the amount appropriated by the commanding general, fifth military district; for the purpose of having made a copy of the lists of registered voters in the State of Texas."

Bill read the first time and referred to Committee on Finance.

Mr. Abbott, of Hill, introduced a bill to be entitled "An Act

regulating the order in which the business on the dockets of the district courts of this State, shall be taken up and disposed of."

Bill read the first time and referred to Judiciary Committee.

Mr. Manning introduced a bill to be entitled "An Act to make all persons who own mills and grind for the public responsible for the grain carried to their mills, and to regulate the taking of toll, and to provide a punishment for the violation of the same."

Bill read the first time and referred to Committee on State Affairs.

Mr. Zoeller introduced a bill to be entitled "An Act defining lawful inclosures and for other purposes."

Bill read the first time and referred to Committee on Agriculture and Stock Raising.

Also, a bill to be entitled "An Act for the protection of gardens and fields.

Bill read the first time and referred to Committee on Agriculture and Stock Raising.

Mr. Burley introduced a bill to be entitled "An Act to amend article 2345 (714) of the Criminal Code."

Bill read the first time and referred to Judiciary Committee.

Mr. Stockbridge introduced a bill to be entitled "An Act to incorporate the Pioneer Insurance Company."

Bill read the first time and referred to Committee on State Affairs.

Mr. Stirman introduced a bill to be entitled "An Act to amend 'An Act to regulate the estraying of stock in the State of Texas,' approved October 26, 1866."

Bill read the first time and referred to Committee on Agriculture and Stock Raising.

Mr. J. F. McKee introduced a bill to be entitled "An Act for the payment of assessors and collectors of this State for taking the scholastic census of the years 1867, 1868, 1869 and 1870."

Bill read the first time and referred to Committee on State Affairs.

Mr. Prissick introduced a bill to be entitled "An Act for the destruction of wolves."

Bill read the first time and referred to Committee on Agriculture and Stock Raising.

On motion of Mr. Camp Mr. Young was excused from attendance for twenty days from to-day on account of sickness in his family.

Messrs. Bonner and Chambers were excused from attendance for the day.

Mr. Cooper offered the following resolution:

Resolved, That the Judiciary Committee be and they are hereby

requested to inquire into the practicability of abolishing the grand jury system in this State, and adopting some other method by which parties, violators of the law, can be brought to justice, and report at the earliest day practicable by bill or otherwise.

Resolution read first and second times, and, on motion of Mr. Zoeller, it was adopted.

Mr. Kyle moved to take up the reconsideration of the vote by which the House refused to pass House joint resolution No. 14, for the relief of John T. Allan, late State Treasurer.

The question being on the motion of Mr. C. L. Abbott to lay the motion to reconsider on the table, it was laid on the table.

A message was received from the Senate transmitting enrolled bill, to be entitled "An Act to provide for the registration of voters," announcing that the same had been signed by the President of the Senate in open session.

Special order of the day, House bill No. 386, to be entitled "An Act providing for the payment of the outstanding indebtedness of the several counties," was read the third time, passed and its title agreed to.

On motion of Mr. Butler the special order was postponed to take up House bill No. 149, to be entitled "An Act making appropriation for the purchase of machinery for the Penitentiary at Huntsville, and improvement of the buildings."

On motion of Mr. Butler the bill was recommitted to Committee on Penitentiary.

On motion of Mr. Cooper the special order was further postponed for five minutes.

On motion of Mr. Burnett the rules were suspended to take up out of its regular order House bill No. 76, to be entitled "An Act regulating the creation of private corporations, their powers, duties, liabilities, etc.," and the bill was made the special order for Wednesday next at 10:30 A. M.

On motion of Mr. Becton the rules were suspended to take up out of its regular order House bill No. 91, to be entitled "An Act to incorporate the Jefferson Western Railroad Company, and to provide for the same," and the bill was made the special order for 10:30 A. M. Thursday next.

On motion of Mr. Butler the further consideration of business under the special order was suspended until the regular hour tomorrow.

Mr. Morrison moved a suspension of the rules to take up out of its regular order House bill No. 68, to be entitled "An Act reviving the act incorporating the Galveston Dry Dock Company, and the subsequent laws in relation thereto."

Rules suspended.

House bill No. 68 read second time and ordered to be engrossed, and read the third time.

[Mr. Cooper in the chair.]

Mr. Johnson moved a suspension of the rules to take up out of its regular order Senate bill No. 17, to be entitled "An Act to incorporate the City Bank of Houston."

Rules suspended and Senate bill No. 17 read first time.

Mr. Morris moved a further suspension of the rules to put Senate bill No. 17 upon its second reading.

Rules suspended, Senate bill No. 17 read second time, and ordered to be read the third time.

A message was received from the Senate announcing that that body had passed Senate bill No. 50, to be entitled "An Act to incorporate the Young Men's Real Estate and Building Association, of the city of Austin;" Senate bill No. 62, to be entitled "An Act to amend an act entitled 'An Act to establish a code of criminal procedure for the State of Texas,' approved twenty-sixth day of August, 1856;" substitute for Senate bill No. 66, to be entitled "An Act defining the homestead and other property exempt from forced sale in this State;" Senate bill No. 162, to be entitled "An Act to incorporate the Austin Bridge Company;" Senate bill No. 218, to be entitled "An Act regulating public printing;" Senate bill No. 252, to be entitled "An Act for the relief of Mrs. A. K. Foster, widow of Senator A. K. Foster, deceased," and Senate joint resolution No. 3, authorizing and requiring a settlement of accounts of the late Treasurer, and refunding a balance ascertained to be due him, and asked the concurrence of the House in the same.

Bills and joint resolution passed to orders of the day.

Mr. Morris moved a suspension of the rules to take up out of its regular order Senate bill No. 14, to be entitled "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company."

Rules suspended and Senate bill No. 14 read second time.

The following amendment, recommended by the Committee on Roads, Bridges and Ferries, viz: "strike out the name of J. A. Bridgeland," was then adopted.

Mr. McLean moved to amend section three, line five, by inserting after the word "bridge" the following words: "except railroad bridges."

A message was received from the Senate transmitting enrolled Senate bill No. 40, to be entitled "An Act to provide for permanently locating the county seat of Robertson county," requesting the signature of the Speaker thereto.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 11, 1870.

Hon. L. W. COOPER,
Speaker *pro tem.*, House of Representatives:

Your Committee on Enrolled Bills instruct me to report that they have examined "An Act to incorporate the Jewish Congregation, B'nai Israel, of Galveston, Texas," and find the same correctly enrolled.

ROBINSON,
Chairman.

Report accepted.

On motion of Mr. Youngkin the House, at 12:15 o'clock P. M. adjourned until eight o'clock this P. M.

EVENING SESSION.

EIGHT O'CLOCK P. M.

House met pursuant to adjournment; Speaker Evans in the Chair. Roll called; no quorum present.

Mr. Plumley moved a call of the House. Call sustained.

Absentees—Messrs. H. R. Allen, Austin, Abbott, of Hill, Abbott, of Austin, Butler, Burley, Burnett, Camp, Dupree, Franks, Gaston, George, Harn, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Morris, J. F. McKee, Mitchel, Mullins, Miller, Posey, Pierson, Robb, Ross, Sinclair, Slaughter, Shelburne, Tegener and B. F. Williams.

On motion of Mr. Haswell the sergeant-at-arms was dispatched for the absentees.

Messrs. Posey and H. R. Allen were excused from attendance on account of sickness.

Mr. Plumley moved that Mr. Schutze be excused. Lost.

Mr. Schutze moved that the House adjourn until ten o'clock A. M. to-morrow, upon which motion the yeas and nays were called for by Messrs. R. L. Moore, Locke and Davis, and resulted as follows:

Yeas—Messrs. Franks, Moore of Harrison, Schlickum, Schutze—4.

Nays—Messrs. Austin, Richard Allen, Becton, Burley, Booty, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Gardiner, Grothaus, George, Harn, Haswell, Kyle, Locke, Manning, Morrison, McLean, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Schlotman, Sheriff, Simmons, Smyth, Stirman, Stockbridge, Spencer, Van Noy, Williams of Walker, Weaver of Johnson, York, Youngkin, Zapp, Zoeller—45.

So the House refused to adjourn.

On motion of Mr. Cooper the call of the House was suspended.

Mr. Harn moved that the House adjourn. Lost.

Mr. Harn moved a call of the House. Call sustained.

Mr. C. L. Abbott moved that the sergeant-at-arms be dispatched for Mr. Slaughter. Carried.

Mr. Plumley moved that Mr. Schutze be excused. Lost.

Mr. Haswell moved a suspension of the call of the House. Lost.

Mr. Ellis moved that the House adjourn. Lost.

On motion of Mr. Cooper the call of the House suspended.

The question pending at adjournment, being on the amendment offered by Mr. McLean to Senate bill No. 14, on motion of Mr. Morris, it was adopted.

Mr. Tegener moved to strike out section four of Senate bill No. 14. Lost.

A message was received from the Governor.

Mr. Richard Allen moved to amend section three by adding the following: "and shall cross all transportation at the same rates on said boat."

Mr. Cooper moved to lay the amendment on the table. Lost.

Mr. McLean moved to amend the amendment so that it read as follows: "provided that the same rates of toll shall be charged for crossing as is provided for in section two." Amendment to the amendment adopted.

On motion of Mr. McLean the amendment, as amended, was laid on the table.

The bill was then ordered to be read the third time.

On motion of Mr. Schutze the special order, viz: the consideration of the concurrent resolution offered by Mr. Slaughter relative to the adjournment of the Legislature, was postponed for ten minutes.

Mr. Schutze moved that the rules be suspended to take up, out of its regular order, House bill No. 315, to be entitled "An Act to incorporate the town of Round Top, Fayette county, Texas."

Rules suspended and House bill No. 315 read the second time.

The following amendments, reported by the Committee on Town and City Corporations, were then adopted.

In article three, last line, after the word "elections," add the following: "and no property qualification for voters shall ever be required."

In article six, line seven, after the word "dollars," add the words "per annum."

In article thirteen, line two, after the word "passage," add the words "subject to the provisions of an act entitled 'An Act to au-

thorize the Governor to appoint certain officers to fill vacancies,' passed by this Legislature."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Franks the rules were further suspended and House bill No. 315 read the third time, passed and its title agreed to.

On motion of Mr. Barnett the rules were suspended to admit the reading of the following message from the Governor:

EXECUTIVE DEPARTMENT,
AUSTIN, Texas, July 11, 1870.

To Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I respectfully return to your House, where it originated, the bill entitled "An Act to incorporate the Galveston Bay Dredging Company." I find this act objectionable in the following respects:

1. The amount of tolls allowed to be charged on commerce passing up and out of Trinity River is excessive. From the best information I can get, it is probable that these tolls would amount, on the commerce now passing through the channel it is proposed to deepen, to not less than thirty thousand dollars per annum. The probable cost of deepening this channel, so that crafts now able to navigate Galveston Bay below the bar, which it is proposed to deepen, will not exceed ten to fifteen thousand dollars, and the subsequent annual expenditure for keeping the channel open could scarcely exceed a third of this sum.

2. No provision in the act prescribes the quantity or quality of the dredging to be done by the company. The company may deepen the channel six inches or six feet, and will be equally entitled to make commerce pay these heavy tolls. It is true section four may be construed to mean that the company must make or improve the channel before charge can be made; but an "improvement" to a channel is too vague a term, and may amount to little or nothing of substantial good.

In my opinion the granting of this charter will result very injuriously to the trade of Galveston and Trinity River.

Having these views, I feel constrained to veto the said act.

Respectfully,
EDMUND J. DAVIS,
Governor.

On motion of Mr. Hawkins the consideration of the Governor's

veto message was made the special order for 10:45 A. M. Thursday next.

Mr. Slaughter, having been brought to the bar of the House by the sergeant-at-arms, on motion of Mr. Hawkins, was released from arrest.

On motion of Mr. Slaughter one hundred copies were ordered printed of the Governor's veto message, just received, and House bill No. 26, to be entitled "An Act to incorporate the Galveston Bay Dredging Company."

The time having arrived for the consideration of the special order, viz: the concurrent resolution offered by Mr. Slaughter relative to adjournment of the Legislature, Mr. Schutze, by leave of the House, withdrew the amendment offered by him.

Mr. Butler offered the following substitute:

Resolved by the Senate and House of Representatives of the Legislature of Texas, That the President of the Senate and the Speaker of the House of Representatives be and they are hereby authorized and directed to adjourn their respective houses on the first day of August next at 12 o'clock noon, to reconvene at the capitol in the city of Austin at 10 o'clock A. M. on the first Tuesday of November next.

On motion of Mr. Butler the substitute was adopted.

Mr. B. F. Williams moved to lay the resolution on the table. Lost.

Mr. Butler moved the previous question.

Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for by Messrs. C. L. Abbott, Hawkins and Simmons, and resulted as follows:

Yeas—Messrs. Austin, Butler, Cooper, Camp, Cox, Dupree, Gardiner, George, Harn, Kendall, Locke, Manning, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Pierson, Robinson, Ross, Schlotman, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Weaver of Johnson, York, Youngkin, Zoeller—35.

Nays—Messrs. Abbott of Austin, Allen R., Abbott of Hill, Becton. Burley, Booty, Burnett, Davis, Dorris, Ellis, Franks, Gaston. Grothaus, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, McKee of Guadalupe, Moore of Red River, Plumley, Prissick, Robb, Schlickum, Simmons, Williams of Walker, Williams of Colorado, Zapp—32.

So the main question was ordered.

The main question being on the adoption of the resolution relative to the adjournment of the Legislature, the yeas and nays were called

for by Messrs. Burnett, R. L. Moore and Grothaus, and resulted as follows:

Yeas—Messrs. Butler, Cooper, Camp, Cox, Dupree, Gardiner, George, Kendall, Leonard, Locke, Manning, Morrison, Moore of Harrison, Morris, Mullins, Pierson, Ross, Schlotman, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Spencer, Tegener, Van Noy, Weaver of Johnson, York, Youngkin, Zoeller—31.

Nays—Messrs. Austin, Abbott of Austin, Allen R., Abbott of Hill, Becton, Burley, Booty, Burnett, Cotton, Davis, Dorris, Ellis, Franks, Gaston, Grothaus, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, McLean, McKee of Guadalupe, Mitchel, Medlock, Moore of Red River, Plumley, Prissick, Robb, Robinson, Schlickum, Simmons, Stockbridge, Williams of Walker, Williams of Colorado, Zapp—38.

So the resolution was not adopted.

On motion of Mr. Franks the House at 10 o'clock P. M. adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, July 12, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. Franks the reading of yesterday's journal was dispensed with.

Mr. Tegener presented a petition of Peter Metzner, asking reembursements from the State of Texas by special act of the Legislature.

Petition read and referred to Committee on State Affairs.

The Speaker laid before the House petitions signed by justices of the peace of Lamar and ——— counties, asking the passage of a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Petitions read and referred to Judiciary Committee.

Mr. Weaver of Johnson presented the petition of Jacob Jobe and others, praying for a charter to build a toll bridge across Christmas Creek.

Petition read and referred to Committee on Roads, Bridges and Ferries.

Mr. Camp presented a petition from the citizens of Refugio county concerning the county seat.

Petition read and referred to Committee on Counties and County Boundaries.

On motion of Mr. Burnett, Mr. Butler was granted leave of absence for the remainder of the session, on account of sickness.

On motion of Mr. Butler, Mr. Spencer was granted leave of absence for the remainder of the session, on account of sickness in his family.

Mr. Jo. Abbott presented the following protest and asked that it be spread on the journal:

HOUSE OF REPRESENTATIVES,
Austin, July 9, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The undersigned, dissenting from the opinion of the majority of this House, as expressed by its action of July the 8th, in removing the county seat of Robertson county from Owenville to Calvert, begs leave to submit the following protest:

1. I protest against this action because I do not believe it was the wish of a majority of the people of that county.

2. Because county seats should be located as near the centres o f

counties as circumstances will allow, so as to accommodate the people from every section of the county, who, from necessity, are compelled to attend the courts as jurors, witnesses, etc. It is a question of convenience which the people of that county alone should determine.

3. Because I cannot conceive how this or any other Legislature (being composed of members from every portion of the State, who, individually, know little or nothing about the wants of that people) should feel authorized to interfere with the affairs of any particular county, where it affects the interests and convenience of so large a number of citizens as it does in this instance.

4. Because the precedent is a bad one, and one which, if respected and followed hereafter, might lead to serious results. A few designing men might, through intriguing, secure the removal of any county seat, and thus sacrifice the money of the people that had been expended in erecting county buildings, and subject them to the further expense of building new ones.

Very respectfully,

JO. ABBOTT,
Twentieth District.

Mr. Morris, Chairman pro tem. of Committee on Internal Improvements, submitted the following reports:

COMMITTEE ROOM,
Austin, July 11, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 294, entitled "An Act to incorporate the Western Narrow Guage Railway Company," having duly considered the same, would respectfully report the same back with the accompanying amendments, and recommend its passage.

Very respectfully,

C. D. MORRIS,
Chairman pro tem. of Committee.

COMMITTEE ROOM,
Austin, Texas, July 11, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 151, entitled "An Act to allow railroads indebted to the School Fund to save forfeiture by payment of interest due," have carefully examined said bill, and would respectfully pro-

pose therefor the accompanying substitute and recommend its passage.

Very respectfully,

C. D. MORRIS,
Chairman pro tem. of Committee.

COMMITTEE ROOM,
Austin, July 11, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Internal Improvements, to whom was referred House bill No. 283, entitled "An Act to incorporate the Houston City Street Railway Company," having carefully considered the same, would respectfully report the same back, and, with the accompanying amendments, recommend its passage.

Very respectfully,

C. D. MORRIS,
Chairman pro tem. of Committee.

COMMITTEE ROOM,
Austin, July 11, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Internal Improvements, to whom was referred House bill No. 317, "An Act supplementary to the 'Act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company, and to the other special acts relating to said company,'" having duly considered the same, have instructed me to report favorably upon the same and to recommend its passage.

Very respectfully,

C. D. MORRIS,
Chairman pro tem. of Committee.

COMMITTEE ROOM,
Austin, July 11, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No, 357, entitled "An Act to incorporate the Bolivar Point, Eastern Texas and Red River Railroad," having carefully examined the same, would respectfully propose thereto the accompanying amendments, and with this would report favorably upon said bill and recommend its passage.

Very respectfully,

C. D. MORRIS,
Chairman pro tem. of Committee.

Reports and bills passed to orders of the day.

Mr. Burnett moved a suspension of the rules to take up out of its regular order House bill No. 357, just reported back by Committee on Internal Improvements. Lost.

Mr. Slaughter, Chairman of Committee on Finance, submitted the following report and resolution:

COMMITTEE ROOM,
July 11, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

Your Committee on Finance, to whom was referred the various accounts for expenses of the funerals of the late Hon. W. T. Wilkerson and Hon. M. A. Elliot, have examined the same and respectfully submit the following resolution:

Resolved, That the sum of three hundred and thirty-five dollars and thirty-eight cents ($335.38), and the sum of two hundred and ten dollars and fifty cents ($210.50), be paid out of the appropriation for contingent expenses, the first sum to pay the funeral expenses of the late Hon. W. T. Wilkerson, deceased, and the latter to pay similar expenses of the late Hon. M. A. Elliot, said payments to be supervised by the Committee on Contingent Expenses, as corrected by Committee on Finance.

Your committee recommend that this resolution be adopted.

SLAUGHTER,
Chairman.

Resolution reported by committee read first and second times, and on motion of Mr. Slaughter it was adopted.

Mr. Locke, Chairman of Committee on Agriculture and Stock Raising submitted the following report:

COMMITTEE ROOM,
July 11, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

Your Committee on Agriculture and Stock Raising, to whom was referred House resolution No. 10, directing your committee to inquire into the propriety of offering a reward for the discovery of any means of destroying the cotton caterpillar, and preventing it from destroying the cotton crop, have had the subject under consideration and ask leave to report the accompanying bill and recommend that it be passed.

Very respectfully,

LOCKE,
Chairman.

Report and bill passed to orders of the day.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, July 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Counties and County Boundaries, to whom was referred the petition of a portion of the citizens of Houston, Trinity and Walker counties, praying for a new county to be called Keel, have had the same under consideration, and most respectfully beg leave to make the following report:

That from the proof before your committee they find that the territory for said new county does not contain nine hundred square miles, but the portions of the said Houston, Trinity and Walker counties in said territory are inconveniently situated to the county sites of their respective counties. The portion of Walker in said territory is on the north side of the Trinity River, while Huntsville. the county site of said Walker county, is situate on the south side of Trinity River; and when the river overflows her valleys, (which is almost every spring), it is almost impossible to cross said river to attend court at said county site. The citizens of Trinity county in said territory have several large creeks to cross to get to Sumpter, the county site of said Trinity county, to attend court.

Therefore, your committee herewith returns a bill creating the county of Keel, and most respectfully ask that it do pass.

COOPER,
Chairman.

Report and bill passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills, to whom were referred House bills Nos. 341 and 381, and House joint resolution No. 14, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Respectfully,

STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Camp introduced a bill to be entitled "An Act to incorporate the Texas Homestead and Building Association."

Bill read the first time and referred to Committee on Commerce and Manufactures.

Mr. Burnett introduced a bill, to be entitled "An Act to prescribe the time of the annual meeting of the Legislature."

Bill read the first time.

Mr. Cooper moved a suspension of the rules to take up House bill No. 405, to be entitled "An Act to prescribe the time of the annual meeting of the Legislature," to put it on its second reading.

Rules suspended, and House bill No. 405 was read the second time.

Mr. Slaughter moved to insert the following words in the blank space in section one: "January, A. D. 1871."

Mr. Plumley moved that the bill with the proposed amendment be referred to a select committee of five, to be appointed by the Speaker. Lost.

Mr. McLean moved to amend the amendment offered by Mr. Slaughter, by striking out the word "January" and inserting in lieu thereof the word "August."

On motion of Mr. Slaughter the amendment to the amendment was laid on the table.

The chief clerk was dispatched to the Senate with enrolled bill to be entitled "An Act permanently locating the county seat of Robertson county," and House bill No. 341, to be entitled "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier, etc.," and House bill No. 381, to be entitled "An Act to provide for the mode and manner of conducting elections, making returns, and for the protection of the purity of the ballot box."

The question recurring on the adoption of the amendment offered by Mr. Slaughter to House bill No. 405, the yeas and nays were called for by Messrs. McLean, Davis and Burnett, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Butler, Burnett, Chambers, Cooper, Cotton, Cox, Dupree, Davis, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Kendall, Locke, Manning, Moore of Harrison, Morris, Mullins, Plumley, Prissick, Robb, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Smyth, Stockbride, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, York, Youngkin, Zoeller —45.

Nays—Messrs. Richard Allen, Abbott of Hill Becton, Burley,

Booty, Bonner, Camp, Dorris, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, McKee of Guadalupe, Mitchel, Medlock, Miller, Moore of Red River, Pierson, Ross, Stirman, Weaver of Johnson, Williams of Colorado, Zapp—29.

So the amendment was adopted.

Mr. Morris moved to amend section one by striking out the words "the next annual session," and inserting in lieu thereof the words "the first annual session."

Mr. Butler moved the adoption of the amendment, upon which the yeas and nays were called for by Messrs. Austin, Hawkins and Jo. Abbott, and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Butler, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Davis, Gardiner, Grothaus, George, Hamilton, Haswell, Johnson, Kendall, Locke, Lyons, Manning, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Shelburne, Spencer, Tegener, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller—47.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Bonner, Chambers, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Moore of Red River, Posey, Robb, Ross, Smyth, Stirman, Van Noy, Weaver of Johnson, Zapp—26.

So the amendment was adopted.

Mr. Butler moved to amend section one by striking out the words "first Monday," and inserting in lieu thereof the words "second Tuesday." Amendment adopted.

The bill was then ordered to be engrossed and read the third time.

Mr. Locke moved a further suspension of the rules to put the bill on its final passage. Lost.

Mr. Robinson offered the following resolution:

Resolved, That no motion for the adjournment of this session shall take effect prior to the passage of a "school bill."

Resolution read the first and second times.

Mr. Hawkins moved to lay the resolution on the table, upon which motion the yeas and nays were called for by Messrs. Davis, Locke and Burnett, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Booty, Chambers, Cooper, Camp, Cox, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Manning, Morris, McLean, Miller, Moore of Red River, Posey, Pierson, Robb, Smyth, Stirman, Shelburne, Van Noy, Weaver of Johnson, York—31.

Nays—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Butler,

Burley, Burnett, Bonner, Cotton, Dupree, Davis, Dorris, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Kendall, Locke, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Slaughter, Stockbridge, Spencer, Tegener, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—43.

So the House refused to lay the resolution on the table.

Mr. R. Allen moved the adoption of the resolution. Lost.

The hour having arrived for the consideration of the special order of the day, under resolution adopted June 4, 1870, viz: House bill No. 299, to be entitled "An Act making appropriations for the support of the State government for the fiscal year, commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1870."

On motion of Mr. Cooper the consideration of the bill was postponed until Friday next at 11 o'clock A. M.

House bill No. 406, to be entitled "An Act to organize the bureau of immigration," read first time.

Substitute for House bill No. 147, to be entitled "An Act to encourage stock raising, and for the protection of stock raisers," read second time.

On motion of Mr. Cooper section one was amended by striking out the words "for cause" in line five.

[Mr. Burnett in the chair.]

Mr. Zoeller moved that the further consideration of substitute for House bill No. 147 be postponed until Monday next at 11 o'clock A. M. Lost,

On motion of Mr. Locke section nine was amended by inserting in line two after the word "own" the words "without the written consent of the owner thereof."

Mr. Dorris moved to amend by striking out section seventeen.

Mr. Camp moved to lay the motion of Mr. Dorris on the table, upon which the yeas and nays were called for by Messrs. Dorris, Chambers and Robinson, and on the roll being called it was found that there was no quorum voting.

Mr. Williams, of Colorado, moved a call of the House.

Call sustained.

Absent—Messrs. H. R. Allen, C. L. Abbott, Burley, Davis, Robb, and Sinclair.

On motion of Mr. Grothaus the call of the House was suspended.

A message was received from the Senate transmitting enrolled bill to be entitled "An Act to incorporate the Jewish Congregation

B'nai Israel of Galveston," announcing that the President of the Senate had signed the same in open session.

The question recurring on the motion of Mr. Camp the result of the vote was as follows:

Yeas—Messrs. Abbott, of Hill, Becton, Booty, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Ellis, Gaston, Grothaus, George, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Moore, of Harrison, Morris, McLean, Mitchel, Mullins, Medlock, Miller, Posey, Pierson, Plumley, Prissick, Ross, Schlickum, Schutze, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Williams, of Walker, Weaver, of Johnson, York, Youngkin, Zapp, Zoeller—52.

Nays—Messrs. Austin, Richard Allen, Burnett, Dorris, Franks, Gardiner, Harn, Hawkins, Johnson, Morrison, McKee, of Guadalupe, Moore, of Red River, Robinson, Schlotman, Sheriff, Williams, of Walker—16.

So the motion of Mr. Dorris was laid on the table.

The hour having arrived for the consideration of the special order, viz: House bill No. 102, to be entitled "An Act for the relief of the Texas and New Orleans Railroad Company, and to protect them in the enjoyment of their rights," on motion of Mr. Plumley it was postponed until 12 o'clock noon Thursday next.

Mr. Jenkins moved to amend section seventeen, line two, by striking out after the words "authority of the owner" the words "of said dead animal," and by inserting in lieu thereof the words, "or some one having charge of the same for the owner."

Amendment adopted.

Mr. Franks moved to amend section seventeen by inserting after the amendment just adopted, the words "or a justice of the peace or district clerk."

On motion of Mr. Chambers the amendment was laid on the table.

Mr. Sheriff moved to amend section seventeen, line three, by striking out the words "ten dollars" and inserting the words "ten cents."

On motion of Mr. Plumley the amendment was laid on the table.

Mr. Dorris moved to amend section seventeen so that "any one taking off the hide of an animal shall be compelled to advertise the same at the courthouse in the county in which the animal was found dead."

On motion of Mr. Cox the amendment was laid on the table.

Mr. Dorris moved to strike out section nineteen.

Which motion, on motion of Mr. Cox, was laid on the table.

Mr. Locke moved to strike out in section nineteen, line one, the word "fifty," and to insert the word "twenty-five." Amendment adopted.

Mr. Dorris moved to strike out lines twelve and thirteen in section nineteen.

On motion of Mr. Plumley the amendment was laid on the table.

Mr. Tegener moved to strike out in section nineteen all after the word "act" in line six.

On motion of Mr. Camp the amendment was laid on the table.

Mr. Cooper offered the following amendment to section nineteen:

Amend by adding at the end of section nineteen: "Provided, this section shall not apply to Houston and Cherokee counties."

Mr. Lacy moved to amend the amendment by adding the words "Panola and Rusk."

On motion of Mr. Franks the amendments were laid on the table.

Mr. Plumley moved to amend section nineteen by striking out the words "first day of April," and inserting in lieu thereof the words "fifteenth day of March." Amendment adopted.

Mr. Zoeller moved to amend section nineteen by striking out the words "Frio and Nueces rivers," and inserting in lieu thereof the words "Colorado river."

Mr. Abbott, of Hill, moved to amend the amendment by substituting the word "Sabine" in place of "Colorado."

On motion of Mr, Locke the amendments were laid on the table.

On motion of Mr. Franks section nineteen was amended by inserting the words "or have the same done" in line seven after the word "yearling."

Mr. Cooper moved to add the following proviso to section nineteen, viz: "Provided this section shall not apply to any counties lying between the Trinity and Neches rivers," upon which motion the yeas and nays were demanded by Messrs. Cooper, Van Noy and Morrison, and upon the roll being called it was found that there was not a quorum of the members voting.

Mr. Morris moved to adjourn until 8:30 this P. M. Lost.

Mr. Franks moved to adjourn until 10 o'clock A. M. to-morrow. Lost.

On motion of Mr. Abbott, of Hill, the House at 12:30 P. M. adjourned until the regular hour this P. M.

EVENING SESSION.

EIGHT O'CLOCK P. M.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; no quorum present.

Mr. C. L. Abbott moved that Mr. Slaughter be excused from attendance. Lost.

On motion of Mr. Plumley the House took a recess for fifteen minutes.

8:15 P. M.

House called to order; quorum present.

Absent—Messrs. Gardiner, Johnson, Miller, Simmons and B. F. Williams.

The question at adjournment was on the amendment offered by Mr. Cooper to section nineteen of House bill No. 147.

On motion of Mr. Tegener the amendment was laid on the table.

Mr. Dupree was excused from attendance on account of sickness.

Mr. Cooper moved to amend section nineteen so that it shall not apply to the timbered counties east of the Trinity River. Lost.

On motion of Mr. Locke the further consideration of the bill was postponed until 8½ o'clock P. M. to-morrow.

On motion of Mr. Plumley the rules were suspended to take up bills on their third reading.

Senate bill No. 14, to be entitled "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," read the third time, passed and its title agreed to.

Senate bill No. 17, to be entitled "An Act to incorporate the City Bank of Houston," read the third time, passed and its title agreed to.

House bill No. 98, to be entitled "An Act to extend the time for the location of certain land certificates," read the third time, passed and its title agreed to.

House bill No. 22, to be entitled "An Act to incorporate the Pittsville Cotton Manufacturing Company," read the third time, passed and its title agreed to.

Mr. Dorris offered the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed to provide hereafter for the desk of each member a candle at evening sessions.

Resolution read the first and second times.

Mr. Plumley moved to amend the resolution by inserting the words, "and a pair of snuffers," after the word "candle."

On motion of Mr. Locke the resolution and amendment were laid on the table.

Mr. Camp offered the following resolution:

Resolved, That in view of harmoniously facilitating the business of this House, the evening session shall be conducted as follows, viz: that the members in their respective alphabetical order be entitled to call up three bills of their choice for action of the House, until each member shall be alike served.

Resolution read first and second times.

Mr. Zapp moved to amend the resolution by striking out the words "in their respective alphabetical order," and inserting the following:

"Commencing on the first day with letter A, down; the next day with the letter Z, up the alphabet."

On motion of Mr. McLean the resolution and amendment were laid on the table.

On motion of Mr. Plumley the rules were suspended to take up bills on their second reading.

House joint resolution No. 9, for the relief of Upshur county, was read the second time, and on motion of Mr. McLean the consideration of the same was postponed indefinitely.

House joint resolution No. 10, for the relief of Kendall county, was read the second time, and on motion of Mr. Slaughter the consideration of the same was postponed indefinitely.

House joint resolution No. 11, for the relief of Liberty county, was read the second time, and on motion of Mr. C. L. Abbott, the consideration of the same was postponed indefinitely.

House joint resolution No. 12, for the relief of Limestone county, was read the second time, and on motion of Mr. Posey the consideration of the same was postponed indefinitely.

House joint resolution No. 17, concerning changing the names of several counties therein named, was read the second time.

Mr. Burnett moved to amend the resolution by striking out the word "Stevens" and inserting in lieu thereof the word "Buchanan." Lost.

Mr. McLean moved to amend the resolution by inserting after the word "Lincoln" the words "that of Fayette to Louis XVI."

Mr. Burnett moved the previous question.

Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for by Messrs. McLean, Kyle and Leonard, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Burnett, Cooper, Cotton, Camp, Cox, Davis, Dorris, Grothaus, George,

Harn, Hamilton, Hazwell, Kendall, Locke, Manning, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Stockbridge, Spencer, Tegener, Van Noy, Williams of Walker, Zapp, Zoeller--40.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Chambers, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Moore of Red River, Posey, Robb, Ross, Slaughter, Smyth, Stirman, Shelburne, Weaver of Johnson, York—23.

So the main question was ordered.

The question being on the adoption of the amendment offered by Mr. McLean it was lost.

The question then recurring upon the adoption of the resolution, the yeas and nays were called for by Messrs. McLean, Kyle and Lacy, and resulted as follows:

Yeas---Messrs. Abbott of Austin, Allen R., Burley, Burnett, Cotton, Camp, Cox, Davis, Dorris, Grothaus, George, Kendall, Locke, Manning, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Spencer, Tegener, Williams of Walker, Youngkin, Zapp, Zoeller—35.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Chambers, Cooper, Gaston, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Moore of Red River, Posey, Pierson, Robb, Ross, Schutze, Smyth, Stirman, Shelburne, Van Noy, Weaver of Johnson, York—29.

So the resolution was adopted.

House bill No. 24, to be entitled "An Act to authorize John Ferrill to keep a ferry on Big Cypress Bayou," was read the second time.

On motion of Mr. Pierson the name of J. J. T. Wright was inserted as one of the incorporators.

The bill was then ordered to be engrossed and read the third time.

House bill No. 25, to be entitled "An Act to incorporate the Texas Immigration Company," was read the second time, and on motion of Mr. Plumley it was laid on the table.

By leave of the House Mr. Cooper offered the following resolution:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to purchase the necessary material for lighting this house.

Resolution read first and second times, and on motion of Mr. Grothaus it was adopted.

House bill No. 41, to be entitled "An Act to incorporate the

Odd Fellows' Hall and Building Association of Texas," being next in order, it was, on motion of Mr. Plumley, passed over.

House bill No. 44, to be entitled "An Act to incorporate the Firemen's Insurance Company of Galveston, Texas," being next in order, it was, on motion of Mr. Plumley, passed over.

On motion of Mr. Plumley the calendar was passed over to take up out of its regular order Senate bill No. 55, to be entitled "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and to prescribe the duties thereof.

Senate bill No. 55 read the second time. The following amendments, recommended by the Committee on Judiciary, were then adopted, viz:

In section six strike out the word "eight," and insert in lieu thereof the word "four."

In section seven add to end the following proviso: "Provided, that the Governor shall appoint a district attorney for said court, who shall hold his office until the next general election."

In section nine, line first, strike out the words "there shall be appointed by said judge," and insert in lieu thereof the words "there shall be appointed by the Governor."

In section nine, line six, insert the word "Governor" in lieu of the word "judge."

The bill was then ordered to be read third time.

Mr. Plumley moved a further suspension of the rules to put the bill upon its final passage.

Pending which, Mr. Burnett moved to adjourn until 10 o'clock A. M., to-morrow, upon which the yeas and nays were called for by Messrs. Schutze, Davis and Cooper, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, R. Allen, Becton, Booty, Burnett, Camp, Davis, Gaston, Grothaus, George, Harn, Hamilton, Kendall, Leonard, Moore of Harrison, Morris, Mitchel, Mullins, Pierson, Prissick, Robinson, Schlickum, Schutze, Stirman, Stockbridge, Shelburne, Williams of Walker, Weaver of Johnson, Zoeller--30.

Nays---Messrs. Abbott of Hill, Chambers, Cooper, Cox, Dorris, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Locke, Manning, Morrison, McLean, McKee of Guadalupe, Medlock, Moore of Red River, Posey, Plumley, Schlotman, Sinclair, Slaughter, Smythe, Spencer, Tegener, York, Youngkin, Zapp—29.

So the House, at 10 o'clock P. M., adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 13, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. Booty, the reading of yesterday's journal was dispensed with.

Mr. Schutze presented the petition of citizens of Fiskville, Travis county, protesting against the passage of a law to prohibit the sale of spirituous liquors near said town.

Mr. Hamilton presented the petition of Rufin Bell for relief.

Petitions read and referred to Committee on State Affairs.

Mr. McLean presented the petition of a justice of the peace of Travis county, asking the passage of a law conferring upon justices of the peace exclusively the power of taking acknowledgements, etc.

The Speaker laid before the House petitions signed by clerks of the district courts of Brazos and Cameron counties, protesting against the passage of such a law.

Petitions read and referred to Judiciary Committee.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following reports:

COMMITTEE ROOM,
July 13, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on the Judiciary have the honor to report herewith a bill entitled "An Act fixing the salary and prescribing the fees of District Attorneys," and to respectfully recommend its passage.

Very respectfully,
BURNETT,
Chairman.

COMMITTEE ROOM,
Austin, July 13, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred House bill No. 244, entitled "An Act to authorize the sale of certain Texas Reports," having duly considered the same, respectfully report it back to the House, with the accompanying substitute, en-

titled "An Act to provide for collecting and distributing certain Reports of the Supreme Court," which we recommend be passed.

Your committee are of opinion that the sale of the reports would be impolitic, and that the distribution provided for in the substitute would be more conducive to the public interests.

Very respectfully,
BURNETT,
Chairman.

Reports, bills and substitute passed to orders of the day.

Mr. Schutze, Chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, July 12, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your committee, to whom was referred a petition from citizens of Bowie county, asking your honorable body authority to retain the State tax of said county for several years, for the purpose of erecting suitable county buildings, beg leave to report that this and other cases of similar character have been provided for by a general bill now before your honorable body, and recommend that this petition be not granted, and that your committee be discharged from further consideration of the same.

Very respectfully,
JULIUS SCHUTZE,
Chairman of Committee on State Affairs.

Petition laid on the table and committee discharged from further consideration of the subject.

Mr. Schutze also submitted the following reports:

COMMITTEE ROOM,
Austin, July 12, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill 397, entitled "An Act to make all persons who own a mill and grind for the public responsible for the grain carried to their mill, and to regulate the taking of toll, etc.," have carefully examined the same and recommend that it do not pass.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

COMMITTEE ROOM,
Austin, July 12, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred substitute for Senate bill No. 130, "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," have carefully examined the same, and beg leave to recommend its passage.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

COMMITTEE ROOM,
Austin, July 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 345, entitled an act to be entitled "An Act to incorporate the Texas Land and Mining Company," have duly examined the same and instruct me to report the same back with the recommendation that it pass.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

COMMITTEE ROOM,
Austin, July 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill 328, entitled "An Act for the support and employment of the poor, and establishment of houses of correction," have carefully considered the same, and recommend its passage.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

Reports and bills passed to orders of the day.
One hundred copies of House bill No. 328 ordered printed.
Mr. Schutze also submitted the following report:

COMMITTEE ROOM,
Austin, July 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred "An Act to incorporate the Pioneer Insurance Company, for the purpose of insuring horses, mules, jacks, jennies and cattle against loss or damage," beg leave to report back the same and ask its reference to the more appropriate Committee on Agriculture and Stockraising.

Very respectfully,
JULIUS SCHUTZE,
Chairman of Committee.

On motion of Mr. Schutze, House bill No. 401, to be entitled "An Act to incorporate the Pioneer Insurance Company," was recommitted to Committee on Agriculture and Stock Raising.

On motion of Mr. Burnett one hundred copies of Senate bill No. 197, to be entitled "An Act prescribing the times of holding the district courts in the several judicial districts in the State," with amendments, were ordered printed.

Mr. Locke, Chairman of Committee on Agriculture and Stock Raising, submitted the following reports:

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 399, entitled "An Act for the protection of gardens and fields," have had the same under consideration, most respectfully report the same back, and recommend that it be laid on the table.

Very respectfully,
LOCKE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, Texas, July 12, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 398, entitled "An Act defining lawful enclosures, and for other purposes," have had the same under

consideration, most respectfully report the same back, and recmomend that it be laid on the table.

Very respectfully,

LOCKE,
Chairman of Committee.

Reports and bills passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, July 13, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 336, entitled "An Act to incorporate Austin Hook and Ladder Company No. 1, in the city of Austin," having had the same under consideration, respectfully return said bill with the following amendments, to-wit:

Section four, fifth line, after the words "shall be exempt," strike out the words "from duty in the militia and;" in thirteenth line, same section, after the word "company," strike out the words "from duty in the militia and;" and as thus amended your committee recommend its passage.

Respectfully,

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 13, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your committee, to whom House bills Nos. 68, 386 and 405 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Respectfully,

STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Gardiner introduced a bill to be entitled "An Act to change the boundary lines of Burleson and Brazos counties."

Bill read the first time, and referred to Committee on Counties and County Boundaries.

Mr. York introduced a bill to be entitled "An Act supplemen-

tary to 'An Act to incorporate the Victoria and Columbia Railroad Company,' approved November 13, 1866."

Bill read the first time and referred to Committee on Internal Improvements.

Mr. Becton introduced a bill to be entitled "An Act to create the county of Delta."

Bill read the first time and referred to Committee on Counties and County Boundaries.

On motion of Mr. Plumley the rules were suspended to take up bills on their third reading.

Senate bill No. 55, to be entitled "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston and Harris, and to prescribe the duties thereof," read the third time, passed and its title agreed to.

House bill No. 405, to be entitled "An Act to prescribe the time of the annual meetings of the Legislature," read the third time, passed and its title agreed to.

House bill No. 68, to be entitled "An Act reviviving the act incorporating the Galveston Dry Dock Company," read the third time, passed and its title agreed to.

Mr. Slaughter presented the following communication:

OFFICE OF THE BOARD OF TRUSTEES,
Georgetown, Texas, July 11, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

DEAR SIR: Yourself and the honorable members of the House of Representatives are respectfully invited to attend a grand barbecue to be given at this place on the 16th inst., at which time the cornerstone of the "Georgetown College Building" is to be laid, with Masonic ceremonies.

Hoping that you and the members will honor the occasion with your presence, we are,

Very respectfully,

J. C. S. MORROW,
President Board of Trustees.

EM. TAYLOR, Secretary.

Mr. McLean moved that a committee of three be appointed to return the thanks of the House for the invitation extended. Carried.

The Speaker appointed Messrs. McLean, Slaughter and Burnett such committee.

Mr. Franks offered the following concurrent resolution:

Resolved by the House of Representatives (the Senate concur-

ring), That the Legislature of the State of Texas take a recess for ninety days, beginning on the third day of August, A. D. 1870; and during the term of said recess no per diem shall be allowed, but only mileage as prescribed by law.

Resolution read first and second times.

Mr. Burnett moved to amend the resolution by striking out the word "ninety," and inserting in lieu thereof the word "sixty."

Mr. R. L. Moore moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Burnett, Jo. Abbott and B. F. Williams.

A message was received from the Senate transmitting the following bills and resolutions, asking the concurrence of the House in the same:

Senate bill No. 144, to be entitled "An Act appropriating money for the Treasury Department;" Senate bill No. 256, to be entitled "An Act to organize the county of Presidio;" and Senate joint resolution No. 12, instructing the Sergeant-at-Arms of the Senate to have the portrait of General Burleson suitably framed, and appropriating money for the same.

Mr. Cooper moved an indefinite postponement of the resolution offered by Mr. Franks. Lost.

The hour having arrived for the consideration of the special order of the day, viz: House bill No. 76, to be entitled "An Act regulating the creation of private corporations, their powers, duties, liabilities, etc.," the bill was read the second time.

Mr. Slaughter moved that the further consideration of the bill be postponed until the first day of December next, upon which motion the years and nays were called for by Messrs. Burnett, Davis and Franks, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Allen, H. R., Burley, Chambers, Camp, Cox, Dupree, Davis, Dorris, Gardiner, George, Harn, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Leonard, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, Mitchel, Mullins, Medlock, Miller, Pierson, Plumley, Prissick, Ross, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Weaver of Johnson, Williams of Colorado, York, Youngkin—47.

Nays—Messrs. Austin, Booty, Burnett, Bonner, Cooper, Cotton, Ellis, Franks, Gaston, Grothaus, Hamilton, Locke, McKee of Guadalupe, Schlickum, Schlotman, Van Noy, Weaver of Hunt, Williams of Walker, Zapp, Zoeller—20.

So the consideration of the bill was postponed until December first next.

On motion of Mr. Slaughter the rules were suspended to take up bills on their second reading.

Mr. R. L. Moore moved a suspension of the rules to pass over the calendar and take up House bill No. 322, to be entitled "An Act to incorporate the Red River County, Texas, Agricultural and Mechanical Association."

Rules suspended and House bill No. 322 read the second time.

The following amendment, recommended by Committee on Agriculture and Stock Raising, was adopted:

In section one, line twenty-two, insert the words "and shall have a common seal" after the word "act."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Locke the rules were further suspended, and House bill No. 322 was read the third time, passed and its title agreed to.

Mr. Cox moved that the rules be suspended to pass over the calendar, to take up out of its regular order, House bill No. 150, to be entitled "An Act to revive an Act and amend the first section thereof incorporating the Burnett Male and Female Academy."

Rules suspended and House bill No. 150 was read the second time, ordered to be engrossed, and read the third time.

A message was received from the Senate transmitting enrolled bill to be entitled "An Act making an appropriation for certain purposes," which was presented to the Speaker, signed by him, and returned to the Senate.

On motion of Mr. Tegener the rules were further suspended, House bill No. 150 read the third time, passed, and title agreed to.

Mr. Locke moved a suspension of the rules to take up out of its regular order House bill No. 164, to be entitled "An Act to incorporate the Society Los Indissolubles, of the city of San Antonio."

Rules suspended, House bill No. 164 read the second time, ordered to be engrossed and read the third time.

The hour having arrived for the consideration of the special order under resolution adopted July second, on motion of Mr. Locke it was postponed for fifteen minutes.

Mr. Kyle moved a suspension of the rules to take up out of its regular order Senate bill No. 188, to be entitled "An Act granting certain real estate to the city of Austin."

Rules suspended, Senate bill No. 188 read the second time, and ordered to be read the third time.

On motion of Mr. Burnett the rules were further suspended, Senate bill No. 188 read the third time, passed and its title agreed to.

House bill No. 41, to be entitled "An Act to incorporate the

Odd Fellows' Hall and Building Association of Texas," being first in order on the calendar, on motion of Mr. Plumley it was passed over, and House bill No. 44, to be entitled "An Act to incorporate the Fireman's Insurance Company, of Galveston, Texas," was read the second time ordered to be engrossed and read the third time.

By leave, Mr. Burnett offered the following resolution:

Resolved, That hereafter the evening sessions of this House shall begin at 8½ o'clock instead of 8 o'clock.

Resolution read first and second times.

Mr. Schutze moved to amend the resolution by adding the following:

"And adjourn at 10 o'clock P. M."

On motion of Mr. Franks the amendment was laid on the table.

The question recurring on the adoption of the resolution, it was adopted.

The time for which the special order was postponed having expired, it was, on motion of Mr. Butler, further postponed for ten minutes.

Mr. Butler moved a suspension of the rules to take up out of its regular order House bill No. 323, to be entitled "An Act to incorporate the Bayou City Bank."

Rules suspended and House bill No. 323 was read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Butler the rules were further suspended, House bill No. 323 read the third time, passed and its title agreed to.

On motion of Mr. Cooper the special order was further postponed until twelve o'clock noon.

Mr. Cooper moved a suspension of the rules to take up out of its regular order House bill No. 350, to be entitled "An Act for the relief of the Houston and Texas Central Railroad Company."

Upon which the yeas and nays were demanded by Messrs. Robinson, Lacy and Burnett, and resulted as follows;

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Richard Allen, Becton, Burley, Booty, Chambers, Cooper, Cotton, Camp, Dupree, Ellis, Franks, Gaston, Gardiner, George, Harn, Hamilton, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Moore of Harrison, Morris, Mitchel, Miller, Posey, Pierson, Plumley, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, York, Youngkin—48.

Nays—Messrs Speaker, Abbott of Hill, Burnett, Cox, Davis, Dorris, Grothaus, Hawkins, Locke, Lyons, Manning, Morrison, McLean, McKee of Guadalupe, Medlock, Moore of Red River,

Prissick, Robinson, Schlotman, Spencer, Tegener, Williams of Colorado, Zapp, Zoeller—24.

So the rules were suspended and the bill read the second time.

Mr. Hawkins moved to adjourn until the regular hour this evening. Lost.

Mr. Tegener moved a call of the House.

Call sustained.

Absentees—Messrs. Bonner, Locke, Mullins, Robb and Ross.

Mr. Abbott of Austin moved a suspension of the call. Lost.

On motion of Mr. Hawkins the Sergeant-at-Arms was dispatched for the absentees.

Mr. R. L. Moore moved to adjourn until 8:30 this evening. Lost.

On motion of Mr. Dorris the call of the House was suspended.

The time for which the special order had been postponed having expired, Senate bill No. 87, to be entitled "An Act providing for the payment of district attorneys pro tem." was read the second time.

On motion of Mr. Franks, section one was amended, by inserting after the word "judges," in line three, the words "or the commanding general, Fifth Military District."

The bill was then ordered to be read the third time.

On motion of Mr. Burnett the rules were further suspended, Senate bill No. 87 read third time, passed and its title was agreed to.

Mr. Burnett moved a suspension of the rules, to take up out of its regular order a bill, to be entitled "An Act fixing the salary and prescribing the fees of district attorneys," reported by Judiciary Committee this day.

Rules suspended and bill (House bill No. 407) read first time.

Mr. Franks moved a further suspension of the rules, to put House bill No. 407 on its second reading.

Rules suspended, House bill No. 407 read second time, and ordered to be engrossed and read the third time.

Mr. Franks moved a further suspension of the rules, to put House bill No. 407 upon its final passage.

Rules suspended, and bill read third time.

Mr. Abbott of Hill moved to amend section one by striking out the words "twelve hundred," and inserting in lieu thereof the words "one thousand."

On motion of Mr. Schutze the amendment was laid on the table.

Mr. Abbott of Hill moved to amend section two by striking out the words, "whether the defendant be convicted or not," and inserting in lieu thereof the words "in case of conviction."

Mr. McLean moved to amend the amendment so as to make the fee for prosecuting under an indictment for murder $50, when no

conviction is had, and $200 where the defendant is convicted of the offense charged, or of murder in the second degree.

Mr. Dorris moved to lay the amendment to the amendment on the table, pending which the House, on motion of Mr. Camp, at 12:20 P. M., adjourned until 8:30 this evening.

EVENING SESSION.

EIGHT O'CLOCK P. M.

House met pursuant to adjournment; Speaker Evans in the Chair. Roll called; quorum present.

Messrs. B. F. Williams, Gardiner and Posey were excused from attendance.

Substitute for House bill No. 147 being the special order for the evening, the question recurred on the adoption of the amendment offered by Mr. Dorris to strike out section nineteen.

The amendment was lost.

[Mr. McLean in the chair.]

On motion of Mr. Locke, all of section nineteen after the word "act," in line six, was stricken out.

Mr. Jenkins moved to amend section twenty by adding the following:

Provided further, that in all counties that are unorganized, or have lost their organization, that the affidavit shall be made before the nearest magistrate of such organized county as the same may be attached for judicial porposes.

Amendment adopted.

On motion of Mr. Leonard the following was adopted as section twenty-three of the substitute:

SEC. 23. Any person or persons who shall purchase any cattle for the purpose of driving the same beyond the limits of this State to market, across the northern or northeastern boundaries of the State, shall before removing such cattle from the county or counties where the same are gathered, place on each and every animal which he shall so purchase for driving, a large and plain road-mark, composed of any mark or device he may choose, which mark shall be branded on the left side of the back, behind the shoulder; and every person failing to comply with the provisions of this section shall be punished as provided for in section eight of this act.

On motion of Mr. Zoeller the following was adopted as section twenty-five of the substitute:

SEC. 25. Any person or persons may make and use, or not, as he

pleases, on his or her stock, after making application to the district clerk, and having his name entered in a book to be kept by such clerk for that purpose, the county brand, for which he shall pay said clerk the sum of fifty cents. The number as set opposite the respective counties hereunto appended, shall be the county brand, and any person or persons using the county brand shall brand all animals on the neck; this brand shall be independent of and not intended to interfere with the private brand of such person. The several counties shall be numbered as follows:

Cameron 1, Hidalgo 2, Starr 3, Zapata 4, Encinal 5, Duval 6, Nueces 7, San Patricio 8, Live Oak 9, McMullen 10, Atascosa 11, Frio 12, Medina 13, Bexar 14, Wilson 15, Karnes 16, Goliad 17, Bee 18, Refugio 19, Calhoun 20. Victoria 21, Jackson 22, Matagorda 23, Wharton 24, Colorado 25, Lavaca 26, DeWitt 27, Gonzales 28, Guadalupe 29, Comal 30, Blanco 31, Gillespie 32, Llano 33, Burnett 34, Travis 35, Hays 36, Caldwell 37, Bastrop 38, Fayette 39, Harris 40, Galveston 41, Brazoria 42, Fort Bend 43, Austin 44, Washington 45, Grimes 46, Brazos 47, Robertson 48, Leon 49, Limestone 50, Freestone 51, Navarro 52, Ellis 53, Dallis 54, Collin 55, Grayson 56, Cook 57, Denton 58, Tarrant 59, Johnson 60, Hill 61, McLennan 62, Falls 63, Milam 64, Burleson 65, Bell 66, Coryell 67, Bosque 68, Erath 69, Parker 70, Wise 71, Montague 72, Clay 73, Jack 74, Palo Pinto 75, Comanche 76, Hamilton 77, Lampasas 78, San Saba 79, Brown 80, Eastland 81, Stephens 82, Young 83, Archer 84, Mason 85, Kerr 86, Bandera 87, Uvalde 88, Zavala 89, Dimmit 90, La Salle 91, Webb 92, Fannin 93, Hunt 94, Kaufman 95, Henderson 96, Anderson 97, Houston 98, Madison 99, Walker 100, Montgomery 101, Chambers 102, Liberty 103, Polk 104, Trinity 105, Angelina 106, Cherokee 107, Smith 108, Wood 109, Hopkins 110, Lamar 111, Red River 112, Titus 113, Upshur 114, Rusk 115, Nacogdoches 115, San Augustine 117, Tyler 118, Hardin 119, Jefferson 120, Orange 121, Newton 122, Jasper 123, Sabine 124, Shelby 125, Panola 126, Harrison 127, Marion 128, Davis 129, Bowie 130, Maverick 131, Kinney 132, Dawson 133, Edwards 134, Kimbal 135, Menard 136, McCulloch 137, Concho 138, Coleman 139, Runnels 140, Callahan 141, Tyler 142, Shackelford 143, Jones 144, Throckmorton 145, Haskill 146, Knox 147, Taylor 148, Wichita 149, Wilbarger 150, Hardeman 151, Greer 152, Presidio 153, El Paso 154, Van Zandt 155, Kendall 156, Raines 157, Williamson 158.

On motion of Mr. Leonard section twenty-three of the original substitute was numbered twenty-four.

On motion of Mr. Franks section twenty-four of the original substitute was numbered as section twenty-six.

On motion of Mr. Jenkins section nine was amended by striking out all of said section to the word "property," in line eleven, and inserting in lieu thereof the following:

"Every person who shall sell, take, drive or dispose of any horse, mare, gelding, mule, colt, ass, jennet, beef steer, work ox or neat cattle, or any hog, sheep or goat not his own, and without the written consent of the owner (provided that nothing in this section contained shall exempt any person from the penalty affixed to the offense of theft, whenever the property is taken, sold, driven or disposed of in such manner as to come within the definition of that offense,) shall be tried before the district court or any justice of the peace having jurisdiction; and upon conviction thereof, fined in the sum of twenty-five dollars, one-half to be paid to the informer, and the other half to be paid into the county treasury of the county in which the suit shall be decided.

"And every purchaser purchasing knowingly any such animal, or any person who shall be found in the woods or range in possession of any hog or hogs, with the ears or head cut off, or if such hog be dead, with the ears newly marked, he shall be tried before the district court or any justice of the peace having jurisdiction, and upon conviction fined in the sum of twenty-five dollars, one-half to go to the informer and the other half to the county treasury of the county in which the suit is decided. And any such offender or offenders shall be confined in the common jail of the county until the fine and costs are paid, and execution may issue therefor."

On motion of Mr. Evans the substitute was adopted in lieu of the original bill, and it was ordered to be engrossed and read the third time.

On motion of Mr. Locke the rules were suspended to put the bill on its final passage.

Mr. Franks moved that the House adjourn. Lost.

Substitute for House bill No. 147 read the third time.

Mr. Slaughter moved the previous question. Previous question seconded.

Mr. Hawkins moved a call of the House. Call sustained.

Absent—Mr. Burley.

Mr. Camp moved a suspension of the call of the House, upon which motion the yeas and nays were called for by Messrs. Hawkins, York and Jo. Abbott, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, R. Allen, Becton, Booty, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Morrison, Moore of Harrison, Morris, Mitchel, Mullins,

Medlock, Pierson, Plumley, Prissick, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson, Youngkin, Zapp—57.

Nays—Messrs. C. L. Abbott, Abbott of Hill, Burnett, Dorris, Hawkins, McLean, McKee of Guadalupe, Lyons, Miller, Moore of Red River, Robb, Robinson, Stirman, Williams of Walker, York, Zoeller—16.

So the House refused to suspend the call, fifteen members having voted against the same.

On motion of Mr. Slaugter Mr. Burley was excused from attendance on account of sickness.

Mr. Burnett moved that the House adjourn. Lost.

On motion of Mr. Locke the call of the House was suspended.

The question then recurred, Shall the main question be now put? upon which motion the yeas and nays were called for by Messrs. Slaughter, Grothaus and Locke, and resulted as follows:

Yeas—Messrs. C. L. Abbott, H. R. Allen, R. Allen, Becton, Booty, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Moore of Harrison, Morris, McLean, Mitchel, Mullins, Medlock, Posey, Pierson, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson, Williams of Walker, Youngkin, Zapp, Zoeller—64.

Nays—Messrs. Austin, Jo. Abbott, Burnett, Hawkins, J. F. McKee, Miller, Moore of Red River, Robb, Smyth, York—10.

So the main question was ordered.

The main question being on the final passage of House bill No. 147, the yeas and nays were called for by Messrs. Miller, Franks and Dorris, and resulted as follows:

Yeas—Messrs. Speaker, Abbott of Austin, H. R. Allen, R. Allen, Becton, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Ellis, George, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick. Schlickum, Schlotman, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Williams of Walker, Weaver of Johnson, Youngkin, Zapp, Zoeller—56.

Nays—Messrs. Austin, Abbott of Hill, Dorris, Franks, Gaston,

Grothaus, Hawkins, Morris, Miller, Robb, Ross, Schutze, Sheriff, Simmons, Weaver of Hunt, York—16.

So the bill passed, and its title was agreed to.

[Speaker Evans in the chair.]

Mr. Burnett moved that the House adjourn until the regular hour to-morrow, upon which motion the yeas and nays were called for by Messrs. Chambers, Miller and Burnett, and resulted as follows:

Yeas—Messrs. Speaker, Austin, Abbott, of Austin, Abbott, of Hill, Burnett, Chambers, Cox, Davis, Gaston, Grothaus, George, Hawkins, Jenkins, Kendall, Leonard, Locke, Lyons, McLean, McKee, of Guadalupe, Medlock, Miller, Moore, of Red River, Posey, Plumley, Prissick, Robb, Ross, Schlickum, Schlotman, Schutze, Simmons, Smyth, Shelburn, Spencer, Tegener, Weaver, of Hunt, Williams, of Walker, Zoeller—38.

Nays—Messrs. Allen H. R., Allen R., Becton, Burley, Booty, Bonner, Cooper, Cotton, Camp, Dupree, Dorris, Ellis, Franks, Gardiner, Harn, Hamilton, Haswell, Johnson, Kyle, Lacy, Lane, Morrison, Moore, of Harrison, Morris, Mitchel, Mullins, Pierson, Sheriff, Sinclair, Slaughter, Stillman, Stockbridge, Van Noy, Weaver, of Johnson, York, Youngkin, Zapp—37.

So the House adjourned.

*

HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, July 14, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. Grothaus the reading of yesterday's journal was dispensed with.

On motion of Mr. McLean the special orders for to-day were postponed until the same hours for to-morrow.

On motion of Mr. Becton that portion of the journal of yesterday, relative to the death of the Hon. Robert Crudup, was expunged.

Mr. Plumley moved a reconsideration of the vote by which the consideration of House bill No. 76, to be entitled "An Act regulating the creation of private corporations, their powers, duties, liabilities," etc, was postponed until the first day of December next.

Mr. Schutze moved that a committee of five be appointed by the Speaker to make suitable arrangements for the funeral of the Hon. R. Crudup, Representative from the Nineteenth District Carried.

Speaker announced Messrs. Schutze, Burnett, Mullins, McLean and Becton as said committee.

Mr. Mullins offered the following resolution:

WHEREAS, An all-wise and inscrutable Providence has removed from our midst another member of this body, the Hon. Robert Crudup, who departed this life on yesterday evening, after the adjournment of the evening session; therefore,

Resolved, That the Speaker appoint a committee of five to prepare suitable resolutions expressive of our profound sorrow for the death of our esteemed co-laborer, and that, as a tribute of respect to the memory of the deceased, this House do now adjourn until 10 o'clock A. M., to-morrow.

Resolution read first and second times, and, on motion of Mr. Morris, it was adopted.

The Speaker appointed Messrs. Mullins, Camp, Cox, Abbott of Hill, and Weaver of Johnson, as the committee, and the House then adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 15, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Absent—Mr. Slaughter.

Mr. Austin moved that the reading of yesterday's journal be dispensed with. Lost.

Journal of yesterday read and adopted.

Mr. Mullins, chairman of committee to draft resolutions in respect to the memory of the late Hon. Robert Crudup, offered the following report and resolution:

COMMITTEE ROOM,
Austin, July 15, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee appointed on yesterday to draft suitable resolutions of respect to the memory of the late Hon. Robert Crudup, who departed this life on the evening of the 13th instant, have, with sorrowing hearts, discharged, as best they could, the melancholy duty assigned them, and beg leave, most respectfully, to submit the following:

Resolved, 1. That in the death of our esteemed co-laborer and friend this House has lost one of its purest and best members; his constituents a most upright, just, watchful and efficient representative; and the State at large a prudent, wise and incorruptible patriot of most enlarged, liberal and comprehensive ideas.

2. That notwithstanding our acquaintance with the deceased was but brief, yet by his many and noble virtues he has so endeared himself to us that it is with the most profound sorrow that we look upon his seat rendered vacant by the relentless hand of the fell destroyer, and cherish with feelings of sadness the memory of our departed friend.

3. That whilst it is our duty to bow with submission to every dispensation of divine Providence, yet this House is most touchingly alive to the calls of sympathy in behalf of the bereaved family of the deceased, and hereby condole with them in their crushing and irreparable loss, and as a feeble token of the same each member of this body will wear the usual badge of mourning for thirty days.

4. That the clerk be required to transmit to the family of the deceased a copy of these resolutions.

Resolution read first and second times, and, on motion of Mr. Morris, it was unanimously adopted.

Mr. Mullins also offered the following resolution:

Be it resolved, That the Hon. L. B. Camp be and he is hereby authorized and empowered to demand from the clerk the certificates for the per diem pay and mileage of the Hon. R. Crudup, deceased, and to present the same to the Treasurer, and receive for the widow the amount due thereon, receipting in the name of said surviving wife, she having requested the same to be done by him.

Resolution read first and second times.

Mr. Schutze moved to amend the resolution by inserting after the word "certificates" the following words: "to the end of the present session."

Amendment adopted.

The question recurring on the adoption of the resolution as amended, it was adopted.

On motion of Mr. Franks the seat of the late Hon. Robert Crudup was ordered to be draped in mourning for thirty days.

Mr. Robinson, as a matter of privilege, offered the following resolution:

WHEREAS, It is known that bribes or promises of reward have been offered members of this House to secure their votes on certain measures that have passed this House; and

Whereas, It is currently reported that members of this House have received bribes, or have suffered their votes to be influenced by promise or preferment or reward; and

Whereas, It is due the dignity, honor and character of the members of this House that said reports be inquired in to; therefore, be it

Resolved, That the Speaker appoint a select committee of seven (7) whose duty it shall be to investigate said charges, and report at the earliest day practicable, by resolution or otherwise, and said committee shall have power to swear witnesses and send for persons and papers.

Resolution read first and second times.

The hour having arrived for the consideration of the special order of the day, on motion of Mr. R. L. Moore, it was postponed until the subject now under consideration is disposed of.

On motion of Mr. Burnett the resolution was amended by adding the following proviso:

Provided, that members charged with bribery or corruption under this resolution shall have the right of being present during the investigation of their cases respectively.

Mr. Schutze moved to lay the resolution on the table, upon which

motion the yeas and nays were called for by Messrs. Schutze, Franks and Jenkins, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Burley, Booty, Bonner, Cooper, Cotton, Dupree, Franks, Gardiner, Haswell, Hawkins, Johnson, Moore of Harrison, Morris, Posey, Pierson, Plumley, Schlickum, Schutze, Sheriff, Sinclair, Stirman, Tinsley—24.

Nays—Messrs. Speaker, Austin, R. Allen, Abbott of Hill, Becton, Burnett, Chambers, Camp, Cox, Davis, Dorris, Ellis, Gaston, Grothaus, George, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Prissick, Robb, Robinson, Ross, Schlotman, Simmons, Smyth, Stockbridge, Shelburne, Spencer, Tegener, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller—53.

So the House refused to lay the resolution on the table.

Mr. Burnett moved the previous question.

Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for by Messrs. Morris, Chambers and Robb, and resulted as follows:

Yeas—Messrs. Speaker, Austin, Abbott of Austin, H. R. Allen, R. Allen, Abbottt of Hill, Becton, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—76.

Nays—Mr. Bonner—1.

So the main question was ordered.

The main question being on the adoption of the resolution offered by Mr. Robinson, as amended, the yeas and nays were called for by Messrs. Burnett, R. L. Moore and Robinson, and resulted as follows:

Yeas—Messrs. Speaker, Austin, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke,

Lyons, Manning, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mitchel, Mullins; Medlock, Moore of Red River, Posey, Plumley, Prissick, Robb, Robinson, Ross, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Spencer, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller—71.

Nays—Messrs. Bonner, Franks, Johnson, Morris, Pierson, Schlickum—6.

So the resolution was adopted.

The Speaker appointed Messrs. Burnett, Locke, Robinson, Zoeller, B. F. Williams, McLean and Shelburne the committee called for by the resolution.

The time for which the special order had been postponed having expired, the special order, viz: the consideration of the Governor's veto message and accompanying bill, entitled "An Act to incorporate the Galveston Bay Dredging Company," was, on motion of Mr. Sinclair, postponed until Monday next, at eleven o'clock A. M.

On motion of Mr. Tegener the consideration of business under resolution adopted July 2, was postponed fifteen minutes.

Mr. Tegener moved a suspension of rules, to take up out of its regular order House joint resolution No. 19, to appoint a committee of three to visit certain portions of the State to select a suitable location for a branch penitentiary.

Rules suspended and House joint resolution No. 19 read the second time.

Mr. R. L. Moore moved to amend the resolution, by inserting the words "on or" before the word "west."

Mr. Locke moved to lay the amendment on the table. Lost.

Mr. Franks moved to lay the joint resolution as amended on the table. upon which motion the yeas and nays were called for by Messrs. R. L. Moore, Locke and Davis, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Richard Allen, Abbott of Hill, Burley, Chambers, Cooper, Cotton, Davis, Dorris, Ellis, Franks, Haswell, Hawkins, Johnson, Jenkins, Kendall, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Posey, Pierson, Prissick, Ross, Schlickum, Schlotman, Smyth, Stirman, Tinsley, Van Noy, York, Youngkin, Zapp—36.

Nays—Messrs. Camp, Cox, Duggree, Gardiner, Grothaus, George, Harn, Hamilton, Kyle, Lacy. Lane, Leonard, Locke, Lyons, Medlock, Moore of Red River, Plumley, Sheriff, Sinclair, Shelburne, Tegener, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Zoeller—25.

So the joint resolution was laid on the table.

Mr. Slaughter was excused from attendance for the day, and Mr. Austin for three days from to-day.

On motion of Mr. McLean the regular order of business, as provided for by resolution adopted July 2, was further postponed for twenty minutes.

Mr. Jenkins introduced a bill to be entitled "An Act to relieve parties who have paid money into the General Land Office prior to the first of June, 1865."

Bill read the first time, and referred to Committee on Public Lands and Land Office.

Mr. McLean introduced a bill to be entitled "An Act for the relief of assessors and collectors of taxes under the provisional government of the State of Texas."

Mr. Plumley introduced a bill to be entitled "An Act for the redemption and quieting of titles of land acquired under the act of the Legislature, approved November 10, 1866, entitled 'An Act for assessment and collection of taxes.'"

Bills read the first time, and referred to the Judiciary Committee.

Mr. Morris introduced a bill to be entitled "An Act to incorporate the Jefferson Steam Fire Company No. 1 of the city of Jefferson."

Mr. Camp introduced a bill to be entitled "An Act to incorporate the town of Rockport in Refugio county."

Bills read the first time, and referred to Committee on Town and City Corporations.

Mr. Zoeller introduced a bill to be entitled "An Act for the relief of T. F. Steudebach, late sheriff of Kendall county."

Bill read the first time, and referred to Committee on Claims and Accounts.

Mr. Schutze introduced a bill to be entitled "An Act to incorporate the Screwmen's Benevolent Association of Galveston."

Bill read the first time, and placed on the calendar to come up in its regular order.

Mr. Plumley introduced a bill to be entitled "An Act to incorporate the Galveston Hotel Company."

Bill read the first time, and referred to Committee on Commerce and Manufactures.

Mr. Schutze introduced a bill to be entitled "An Act to appropriate $24,100 to carry into effect 'An Act to provide for the collection of taxes.'"

Bill read the first time, and referred to Committee on Finance.

By leave Mr. C. L. Abbott presented the petition of citizens of Austin county, asking that the levy of taxes by military authority be legalized.

Petition read, and referred to the Committee on Counties and County Boundaries.

On motion of Mr. Burnett the rules were suspended to allow committee to report.

Mr. Burnett, Chairman of Committee on Judiciary, submitted the following report:

COMMITTEE ROOM,
Austin, July 14, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary respectfully report back the following bills, to-wit: House bill No. 136, entitled "An Act to authorize the police court of Henderson county to levy a special tax;" "House bill No. 37, entitled "An Act to provide for the appointment by the Governor of certain officers;" House bill No. 103, entitled "An Act to define the qualifications of Supreme and District Judges and District Attorneys;" House bill No. 36, entitled "An Act to establish the Criminal Court of Galveston and Harris counties;" House bill No. 112, entitled "An Act to regulate the registration of voters;" House bill No. 238, entitled "An Act to prohibit the sale of liquors at places of election, etc.,;" House bill No. 193, entitled "An Act for the relief of District Attorneys *pro tem.*;" House bill No. 303, entitled "An Act authorizing the police court of Brazoria county to levy a special tax;" also a petition from the police court of said county praying for authority to levy said special tax; and a petition from B. Trigg, Esq. As said bills and petitions have already been provided for by the passage of other bills, the committee recommend that they be laid on the table, and that they be discharged from any further consideration of the same.

Very respectfully,

BURNETT,
Chairman.

Report and bills passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, July 15, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 392, entitled "An Act to incorporate the city of San Antonio," having had the same under consideration, respectfully return said bill with the following amendment: Amend by striking out "July 17, 1860," and insert "February 11th,"

in the title wherever it may occur, and as thus amended your committee recommends its passage.

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. J. F. McKee, Chairman of Committee on Claims and Accounts, submitted the following reports:

COMMITTEE ROOM,
Austin, July 14, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Claims on Accounts, to whom was referred House bill No. 77, have had the same under consideration. The committee, after a careful examination of the facts, instruct me to report:

That in May, 1868, the general commanding the Fifth Military District ordered a general quarantine to be established, and that, in obedience to said order, the Commanding General of the Department of Texas ordered a quarantine along the gulf coast of Texas, as is shown by General Orders No. 11, dated 11th of May, 1868, and General Orders, 26th of May, 1868; that under these orders a quarantine, during the epidemic season, was kept up in the county of Refugio, at St. Mary's, and at Rockport. Under instructions of the military authorities representing the State, the county judge of Refugio county appointed Colonel L. B. Camp and Dr. Frazier as health officers. And that, by authority, the health officers hired the schooner Paul Jones, to be used in the quarantine service, from the owner, Stephen Peters, which said schooner was used more than two months by said health officers in inspecting vessels arriving in port and watching the coast.

The appointment of Dr. Frazier was made because Lieutenant Fitch, the commanding officer, had no medical officer of the army to perform such service. The committee are satisfied, from evidence, that the service charged for was performed, and that the State is bound to pay such expenses to protect the lives of the citizens of the State. As an evidence of the policy of the State, reference is made to the act of this body appropriating money for that purpose, and this appears to have been the custom of the State prior to this act.

The parties who performed the services have not been paid, and the committee, believing the claim a just one against the State, have instructed me to report the bill back to the House with the following amendments:

1. In line eight strike out the words "two hundred dollars," and insert in lieu thereof "one hundred and fifty dollars."

2. In lines nine and ten strike out the words "eight hundred and thirty-nine dollars," and insert in lieu thereof "five hundred dollars."

3. In line twelve strike out the words "three hundred and fifty-nine dollars and ten cents," and insert in lieu thereof "two hundred and fifty dollars."

With the foregoing amendments, the committee have instructed me to earnestly recommend the passage of the bill, believing the same to be just and right.

J. F. McKEE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, July 14, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Claims and Accounts, to whom was referred House bill No. 335, entitled "An Act to provide a pension for the surviving veterans of the Texas revolution," have had the same under consideration, and beg leave to submit the following amendment:

Strike out "at the rate of forty dollars per month," in section one, and insert "of one hundred dollars."

And with said amendment your committee recommend that the bill do pass.

J. F. McKEE,
Chairman of Committee.

Reports and bills passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, sub- the following reports:

COMMITTEE ROOM,
Austin, July 15, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee to whom House bills Nos. 242 and 323, have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, July 15, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your committee, to whom House bill No. 116 has been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

STOCKBRIDGE,
Chairman of Committee.

Reports accepted.

Mr. Dorris moved a suspension of the rules to take up out of its regular order House bill No. 92, entitled "An Act to prevent unlawful intercourse between the sexes." Rules suspended.

Mr. Miller moved to lay the bill on the table, upon which motion the yeas and nays were called for by Messrs. Dorris, Locke and Robinson, and resulted as follows:

Yeas—Messrs. Austin, Becton, Burley, Chambers, Cooper, Davis, Gaston, Jenkins, Lyons, Manning, McLean, Moore of Red River, Pierson, Prissick, Ross, Schutze, Sheriff, Simmons, Sinclair, Smyth, Tinsley, Van Noy, York Youngkin, Zapp, Zoeller—26.

Nays—Messrs. Abbott, of Austin, Richard Allen, Burnett, Cotton, Camp, Cox, Dupree, Dorris, Ellis, Franks, Grothaus, George, Hamilton, Hawkins, Kyle, Kendall, Lacy, Leonard, Locke, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Robb, Robinson, Schlickum, Schlotman, Stockbridge, Shelburne, Tegener, Williams of Walker, Williams of Colorado—34.

So the House refused to lay the bill on the table.

Mr. Grothaus moved that the bill be referred to a select committee of three. Carried.

The Speaker appointed Messrs. Grothaus, Richard Allen and Simmons such committee.

On motion of Mr. Franks, Mr. Dorris was added to the committee.

The Chief Clerk was dispatched to the Senate with House bill No. 116, to be entiled "An Act to reorganize the city of Indianola, in Calhoun county;" House bill No. 242, to be entitled "An Act to incorporate the Houston Real Estate and Banking Company;" and House bill No. 323, to be entitled "An Act to incorporate the Bayou City Bank."

By leave Mr. Camp, Chairman of Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM.
July 15, 1870.

Hon. I. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Lands and the Land Office, to whom was referred House bill No. 232, entitled "An Act supplementary to the several acts of the Legislature of the State of Texas relating to the General Land Office," having carefully considered the same, would respectfully offer therefor the accompanying substitute, and recommend its adoption.

Very respectfully.

CAMP,
Chairman.

Mr. Plumley moved a suspension of the rules to take up, out of its regular order, Senate bill No. 256, to be entitled "An Act to organize the county of Presidio."

Rules suspended and Senate bill No. 256 read the first time.

On motion of Mr. Plumley the rules were further suspended, and Senate bill 256 read the second time and ordered to be read the third time.

On motion of Mr. Plumley the rules were further suspended, and Senate bill No. 256 read the third time, passed and its title agreed to.

12 M.

The time having arrived for the consideration of House bill No. 91, to be entitled "An Act to incorporate the Jefferson Western Railroad Company, and to provide for the construction of the same," on motion of Mr. Shelburne the consideration of the bill was postponed to take up out of its regular order House bill No. 186, to be entitled "An Act to incorporate the East Fork Plank Road Company."

House bill No. 186 read the second time, and ordered to be engrossed and read the third time.

On motion of Mr. Franks the rules were further suspended and House bill No. 186 read the third time, passed and its title agreed to.

On motion of Mr. Franks, Mr. Hughes was granted leave of absence for the balance of the session.

Mr. Leonard moved a suspension of the rules to take up out of its regular order House bill No. 355, to be entitled "An Act to incorporate the West Fork Male and Female College."

Rules suspended and House bill No. 355 read the second time.

The following amendment recommended by the Committee on Education was adopted:

In section five, line three, strike out, after the word "successors,"

the words "with liberty to change and alter the same as they think proper."

The bill was then ordered to be engrossed and read the third time."

On motion of Mr. Locke the rules were further suspended, and House bill No. 355 read the third time, passed and its title agreed to.

Special order resumed.

On motion of Mr. McLean the consideration of House bill No. 91, to be entitled "An Act to incorporate the Jefferson Western Railroad Company, and to provide for the construction of the same.' was postponed until nine o'clock this evening.

Mr. Cooper moved a suspension of the rules to take up out of its regular order House bill No. 371, to be entitled "An Act to authorize John J. Blankenship to erect a toll bridge over Tehuacana Creek, in the county of McLennan, Texas."

Rules suspended and bill read second time.

The following amendment, recommended by the Committee on Roads, Bridges and Ferries, was then adopted, viz:

In section three, strike out the words "five miles" wherever they occur, and insert in lieu thereof the words "three miles."

The bill was then ordered to be engrossed, and read the third time.

On motion of Mr. Cooper the rules were further suspended, House bill No. 371 read third time, passed, and its title was agreed to.

On motion of Mr. Burnett the House, at 12:30 P. M., adjourned until the regular hour this evening.

EVENING SESSION.

8:30 O'CLOCK P. M.

House met pursuant to adjournment; Speaker Evans in the Chair. Roll called; quorum present.

Mr. Cooper moved a reconsideration of the vote by which the House refused to adopt House joint resolution No. 19, to appoint a committee of three to visit certain portions of the State for the purpose of selecting suitable localities for the erection of branch penitentiaries.

Vote reconsidered, and, on motion of Mr. Cooper, the resolution was made the special order for Monday next at 9 o'clock P. M.

Special order, viz: House bill No. 91, to be entitled "An Act to incorporate the Jefferson Western Railroad Company, and to provide for the construction of the same," read the second time.

Substitute offered by the Committee on Internal Improvements was then read.

Mr. Becton moved to amend section one by adding the name of "H. B. Simmons," of Hunt county, to the names of incorporators.

Amendment adopted.

Mr. George moved to amend section one by adding the name of "J. P. Dumas," of Grayson county, to the names of incorporators.

Amendment adopted.

Mr. Burnett moved to strike out section four of the substitute.

Mr. Becton moved to lay the motion on the table, upon which motion the yeas and nays were called for by Messrs. Burnett, McLean and Becton, and resulted as follows:

Yeas—Messrs. C. L. Abbott, H. R. Allen, Becton, Booty, Bonner, Camp, Dorris, Franks, Gaston, George, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Morrison, Moore of Harrison, Morris, McLean, Miller, Moore of Red River, Pierson, Plumley, Robb, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Weaver of Hunt, Weaver of Johnson, York—45.

Nays—Messrs. Richard Allen, Burley, Burnett, Cooper, Cotton, Cox, Dupree, Davis, Grothaus, Harn, Hamilton, Kendall, Manning, J. F. McKee, Mitchel, Medlock, Prissick, Schlotman, Williams of Walker, Williams of Colorado, Zapp, Zoeller—22.

So the motion of Mr. Burnett was laid on the table.

On motion of Mr. Robinson the following was adopted as section fifteen of the substitute—section fifteen to be numbered sixteen.

"SEC. 15. Any failure on the part of the company to comply with the terms of this act, shall operate as a forfeiture of all rights and privileges hereunder."

On motion of Mr. Schutze, at 9:45, the House adjourned until the usual hour to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, July 16, 1870.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called. Quorum present.

Absent—Messrs. Johnson and Posey.

On motion of Mr. Haswell the reading of yesterday's journal was dispensed with.

Mr. Johnson was excused from attendance on account of sickness.

Messrs. Hawkins and Morris presented petitions signed by justices of the peace of Ellis and Davis counties, asking the passage of a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Messrs. Tinsley and Gaston presented petitions signed by clerks of the District Court of Rusk and Cherokee counties, protesting against the passage of such a law.

Petitions read and referred to Judiciary Committee.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
July 14, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on the Judiciary have the honor to report herewith a bill entitled "An Act prescribing the mode of proceeding in District Courts in matters of probate," which we respectfully recommend be passed:

The committee are of opinion that this bill fully and satisfactorily meets the requirements of the constitution in conferring upon the District Courts original and exclusive jurisdiction in all matters of probate (see section seven of article five of the constitution); and that it greatly simplifies, and where changes are made improves the present probate laws and systems. It is due a distinguished jurist of our State to say, that this bill is, with very few alterations, a verbatim copy of part two of the Code of Civil Procedure, (prepared by Hon. John Sayles, of Brenham,) a work which exhibits the legal learning and experience and indefatigable industry of its author. The committee, however, do not think it practicable or advisable to adopt the first part of the code.

Very respectfully, &c.,

BURNETT,
Chairman.

Report and bill passed to orders of the day.

By request of the committee five hundred copies of the report and bill were ordered printed.

On motion of Mr. Morrison five hundred additional copies were ordered printed.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, July 16, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 408, have had the same under consideration, and most respectfully beg leave to make the following report:

That said bill is meritorious, and your committee recommend that it do pass.

COOPER.
Chairman.

Report and bill passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, July 16, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred the petition of the citizens of Johnson Station, in Tarrant county, asking an act to prohibit the sale or distribution of vinous or other intoxicating liquors, within certain limits of the Johnson Station High School, situated in the town of Johnson Station, in Tarrant county, having examined the same, respectfully return a bill entitled "An Act to prohibit the sale of intoxicating liquors within certain limits of Johnson Station High School," and recommend the passage of said act.

Respectfully,

C. D. MORRIS,
Chairman.

Report, bill and substitute passed to orders of the day.

Mr. Youngkin, Chairman of Committee on Roads, Bridges and Ferries, submitted the following reports:

COMMITTEE ROOM,
July 13, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred a petition of citizens of Limestone county asking for a charter to build a bridge across Christmas Creek, in Limestone county, having had the same under consideration, beg leave to report back the same, with accompanying bill, and recommend the passage of the bill.

Respectfully,

YOUNGKIN,
Chairman.

COMMITTEE ROOM,
July 13, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 385, entitled "An Act to incorporate the Sabine Toll Bridge Company," having had the same under consideration, beg leave to report back the same with accompanying substitute, and recommend the passage of the substitute.

Respectfully,

YOUNGKIN,
Chairman.

Reports, bills and substitute passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
July 15, 1870.

To Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom House bills Nos. 24, 150 and 322, and House joint resolution No. 17, have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

STOCKBRIDGE,
Chairman of Committee.

Report accepted.

The Chief Clerk was dispatched to the Senate with Senate bill No. 256, to be entitled "An Act to organize the county of Presidio," and House bill No. 150, to be entitled "An Act to revive an act

and to amend the first section of 'An Act to incorporate Burnett Male and Female Academy.'"

Mr. Harn introduced a bill to be entitled "An Act releasing one-half the State tax of Grimes county for the year 1870 for purposes therein named."

Bill read the first time and referred to the Judiciary Committee.

Mr. Schutze moved a suspension of the rules to take up, out of its regular order, House bill No. 91, to be entitled "An Act to organize, incorporate and aid the East Line and Red River Railroad Company of Texas."

Rules suspended, and the substitute for the bill being under consideration, on motion of Mr. McLean the following amendment was adopted:

In section four, line eleven, strike out the word "thirty," before the word "thousand," and insert in lieu thereof the word "twenty-five."

On motion of Mr. Cooper the following amendment was adopted:

Insert after the word "route," in section two, line six, the following: "to the town of Crockett, in Houston county."

On motion of Mr. Robb, the following amendment was adopted:

Add to the word "Crockett" the word "Sumpter."

On motion of Mr. R. L. Moore, the following amendment was adopted:

Amend section one by inserting the name of "J. B. Donoho of Red River county," as one of the incorporators.

The substitute as amended was then adopted in lieu of the original bill, and it was ordered to be engrossed and read the third time.

Mr. Slaughter moved a suspension of the rules to put the bill on its final passage.

Rules suspended, bill read the third time and passed by the following vote:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Becton, Burley, Booty, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, Mitchel, Mullins, Moore of Red River, Pierson, Plumley, Robb, Ross, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Zapp, Zoeller—61.

Nays—Messrs. Chambers, Davis, McKee of Guadalupe, Medlock, Prissick, Schlickum—6.

The title of the bill was agreed to.

Mr. Camp moved a suspension of the rules to take up out of its regular order a bill to be entitled "An Act for the relief of the estate of T. J. Chambers, deceased."

Rules suspended and bill read the first time.

On motion of Mr. Camp, the consideration of the bill was made the special order for Tuesday next at 10:30 A. M.

Messrs. Posey and Zoeller were excused from attendance for the day.

Mr. Cooper moved a suspension of the rules to take up out of its regular order a bill (House bill No. 421) to be entitled "An Act to prohibit the sale of intoxicating liquors within five miles of Pennington College, Trinity county, Texas."

Rules suspended and bill read the first time.

Mr. Burnett moved a further suspension of the rules to put the bill on its second reading

Rules suspended and House bill No. 421 read the second time.

On motion of Mr. Jenkins the following amendment was adopted:

Insert the word "sacramental" after the word "medical," in section one.

Mr. Tegener moved to insert after the word "prohibited," in section one, the following: "also the raising of water melons."

Mr. Schutze moved to amend the amendment by adding the following: "also peach orchards, or any other place which might tempt the youth of that county to commit any unlawful trespass."

On motion of Mr. Chambers the amendments were laid on the table.

On motion of Mr. Zapp the following amendment was adopted:

Strike ont the word "five" before the word "miles," in section one, and insert in lieu thereof the word "two."

Mr. Grothaus offered the following amendment:

"Provided that the provisions in this act shall not be so construed as to hinder or interfere with any lawful and licensed trader in ardent spirits whose rights are guaranteed by the constitution."

On motion of Mr. Cooper the amendment was laid on the table.

The bill was then ordered to be engrossed and read the third time.

Mr. Franks moved a further suspension of the rules to put House bill No. 421 on its final passage.

Rules suspended, House bill No. 421 read the third time and passed.

After changing the word "five" to "two," in the title, it was agreed to.

Mr. Sinclair, as a matter of privilege, offered the following resolution:

WHEREAS, a resolution passed this house on yesterday, appoint-

ing a committee of seven to investigate bribery and corruption; and

Whereas, said resolution is general and sweeping in its terms, including the members of said committee, as well as all other members of the House; and

Whereas, it could hardly be expected that said committee would investigate matters of this kind pertaining to themselves; and

Whereas, it is not reasonable to suppose that the chosen seven are less succeptible of the supposed seductive influences of the immense "rings," and rings within rings that are represented to be attempting to put through their hellish schemes,

Therefore be it resolved, That a special committee of five be appointed to take into consideration the cases of the seven who are debarred from the benefits of said resolution.

Resolution read the first and second times.

Mr. Manning moved to lay the resolution on the table, upon which motion the yeas and nays were called for by Messrs. Pierson, Morris and Schutze, and resulted as follows:

Yeas—Messrs. Chambers, Lyons, Manning, Williams of Walker —4.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Bonner, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Pierson, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff. Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp—64.

So the House refused to lay the resolution on the table.

Mr. Plumley moved that the consideration of the resolution be indefinitely postponed, upon which motion the yeas and nays were called for by Messrs. Burnett, Grothaus and Schlotman, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Becton, Burley, Booty, Bonner, Cooper, Cotton, Camp, Dupree, Franks, Gaston, Gardiner, Harn, Hamilton, Haswell, Jenkins, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Pierson, Prissick, Robb, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, York—47.

Nays—Messrs. Speaker, Abbott of Hill, Burnett, Chambers, Cox,

Davis, Dorris, Grothaus, Kyle, Locke, Manning, McLean, McKee of Guadalupe, Medlock, Robinson, Schlotman, Shelburne, Tinsley, Williams of Colorado, Youngkin, Zapp—21.

So the consideration of the resolution was indefinitely postponed.

A message was received from the Senate announcing that that body had passed House bill No. 83, to be entitled "An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin."

Mr. Plumley moved a reconsideration of the vote taken yesterday adopting the resolution offered by Mr. Robinson relative to the appointment of a committee to investigate the charges of bribery against members of this House.

Mr. Burnett moved to lay the motion to reconsidor on the table upon which motion the yeas and nays were called for by Messrs. Burnett, Robinson and Haswell, and resulted as follows:

Yeas—Messrs. Speaker, Abbott of Hill, Burnett, Chambers, Cox, Davis, Grothaus, George, Kyle, Lane, Leonard, Locke, Lyons, Manning, McLean, McKee of Guadalupe, Medlock, Robinson, Schlotman, Smyth, Shelburne, Tinsley, Williams of Colorado, Youngkin, Zapp—25.

Nays—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Becton, Burley, Booty, Bonner, Cooper, Camp, Dupree, Dorris, Franks, Gaston, Gardiner, Harn, Hamilton, Haswell, Jenkins, Kendall, Lacy, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Pierson, Plumley, Prissick, Robb, Ross, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Tegener, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, York—43.

So the House refused to lay the motion to reconsider on the table.

Mr. Morrison moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being on the motion of Mr. Plumley to reconsider the vote adopting the resolution offered by Mr. Robinson, the yeas and nays were called for by Messrs. Burnett, Haswell and Schlotman, and resulted as follows:

Yeas—Messrs. C. L. Abbott, H. R. Allen, Richard Allen, Becton, Burley, Booty, Bonner, Cooper, Cotton, Camp, Dupree, Franks, Gaston, Gardiner, Harn, Hamilton, Haswell, Kendall, Lacy, Lane, Leonard, Morrison, H. Moore, Morris, Mitchel, Mullins, Pierson, Plumley, Prissick, Robb, Ross, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson, York—44.

Nays—Messrs. Speaker, Jo. Abbott, Burnett, Chambers, Cox, Davis, Dorris, Grothaus, George, Hawkins, Jenkins, Kyle, Locke, Lyons, Manning, McLean, J. F. McKee, Medlock, R. L. Moore, Robinson, Schlotman, Shelburne, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp—27.

So the House decided to reconsider.

Mr. Plumley moved that the resolution offered by Mr. Robinson be laid on the table and the committee discharged.

Upon which motion the yeas and nays were called for by Messrs. Burnett, Chambers and Pierson, and resulted as follows:

Yeas—Messrs. C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Burley, Booty, Bonner, Cooper, Cotton, Camp, Dupree, Franks, Gaston, Gardiner, Harn, Hamilton, Haswell, Kendall, Lacy, Leonard, Morrison, H. Moore, Morris, Mitchel, Mullins, Pierson, Plumley, Prissick, Robb, Ross, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Van Noy, Weaver of Hunt, Weaver of Johnson, York—43.

Nays—Messrs. Speaker, R. Allen, Burnett, Chambers, Cox, Davis, Dorris, Grothaus, George, Hawkins, Jenkins, Kyle, Locke, Lyons, Manning, McLean, McKee of Guadalupe, Medlock, Moore of Red River, Robinson, Schlotman, Shelburne, Williams of Walker, Williams of Colorado, Youngkin, Zapp—26.

So the resolution offered by Mr. Robinson was laid on the table, and the committee discharged from further consideration of the subject.

Mr. Plumley offered the following concurrent resolution:

WHEREAS, It has been openly charged on the floor of this House by the Hon. W. G. Robinson, representative from the county of Bowie, that bribery and corruption exist in this Legislature, and

Whereas, It is due to the dignity of this Legislature, and to the personal character of members, that an opportunity be afforded each member, charged with such grave offences, to have the same investigated; therefore

Resolved, That a joint committee of five members of the House and three from the Senate be now appointed to take under consideration and to investigate any charges of bribery and corruption made against members of this Legislature. Said committee may examine witnesses under oath, and may send for persons and papers; provided, that no charge against any member shall be entertained that is not specific and exact, and the accused and accuser shall appear before the committee together.

Concurrent resolution read the first and second times.

Mr. Burnett moved to reject the concurrent resolution, upon which

the yeas and nays were called for by Messrs. Burnett, Schutze and Chambers, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Booty, Burnett, Cotton, Camp, Cox, Dupree, Dorris, Franks, George, Grothaus, Harn, Hawkins, Lacy, Lane, Lyons, Manning, Morrison, Moore of Harrison, McLean, Mullins, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Walker, Williams of Colorado, York, Youngkin, Zapp—37.

Nays—Messrs. Becton, Burley, Bonner, Chambers, Cooper, Davis, Gaston, Gardiner, Hamilton, Haswell, Jenkins, Kyle, Kendall, Leonard, Morris, McKee of Guadalupe, Mitchel, Miller, Moore of Red River, Pierson, Plumley, Prissick, Robb, Ross, Sinclair, Smyth, Stirman, Weaver of Hunt, Weaver of Johnson—29.

So the concurrent resolution was rejected.

On motion of Mr. Burnett the House, at 12:30 P. M., adjourned until the regular hour on Monday morning next.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 18, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Absent—Messrs. Cox and Simmons.

On motion of Mr. Franks the reading of the journal of Saturday, July 16, was dispensed with.

Messrs. Locke and Chambers presented petitions signed by justices of the peace of Gillespie and Tyler counties, asking the passage of a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Mr. Robb presented the petition of the District Clerk of Angelina county, protesting against the passage of such a law.

Petitions read and referred to the Judiciary Committee.

The Speaker laid before the house a petition signed by citizens of the county of Refugio, protesting against the dismemberment of their county.

Also, a petition signed by the police court of Austin county, asking that a tax levied by said court be legalized.

Petitions read and referred to Committee on Counties and County Boundaries.

Mr. Simmons was excused from attendance indefinitely on account of sickness.

On motion of Mr. Burnett, Mr. Cox was excused from attendance for four days from to-day.

Mr. Morris, chairman *pro tem.* of Committee on Internal Improvements, submitted the following reports:

COMMITTEE ROOM,
Austin, July 16, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred the bill entitled "An Act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern Branch," respectfully submit the following report, presenting herewith the accompanying substitute for the original bill.

The Missouri, Kansas and Texas Railway Company is a corporation existing by virtue of a general act of incorporation of Kansas and a general statute of Missouri, hence it needs no charter from

Texas. As even a foreign corporation has been held by the Supreme Court of the United States to be competent to make contracts within the limits of our States not contrary to their known policy, or injurious to their interests (see 13 Pet., 519, and 4 How., 16), it is not perceived that this corporation, organized and acting under the general laws of our sister States, is precluded from acquiring a right of way by purchase, gift or device through private lands. It does, however, as does every domestic corporation of like character, need to have from the Legislature a right to bridge streams and a right of way through any public domain it may have to cross. As the public good requires that it should have these rights, it is but reasonable and just that they should be accorded.

In order to encourage the construction of railroads, it is advisable that they should not be taxed when they get no State aid, while they are in the process of construction and can yield nothing. As this company proposes, by way of a commutation of all taxes, to pay two per cent. on its entire receipts after the time limited, which is a far higher rate of taxation than it would pay otherwise, there is no good reason why the exemption and commutation sought should not be granted.

As this company will be subject to all the burthens imposed by our general railroad laws now existing, or that may exist, it is but equitable that it should receive all the benefits of such general (not special) laws. The constitution would not permit the Legislature to provide otherwise.

The right to purchase, sell, etc., is a right which the interest of the public demands should rather be extended and enforced than prohibited. It is of benefit to the State that every railroad, instead of being isolated, should have all connections practicable with other railroads. It should be made to their advantage to unite lines.

Any road "completed and in actual use," without State aid, should be protected from the too near proximity of another road running in the same general direction which receives State aid. The welfare of the State demands that its great trunk lines should not be so near each other and parallel with each other as thirty miles. Indeed, they should, by a general law, be kept at least that far apart.

No subsidized corporation can object to this provision without giving just ground for the conviction that it does not intend to accomplish its undertaking promptly. If it really means to do so, and can do so before the road of this corporation is "completed andi n actual use," it can run within the prescribed number of miles without risk or cost. This provision is peculiarly desirable, as it holds

out a powerful incentive to dispatch in construction, and, at the same time, subjects the State to no expense.

As this corporation exists and acts by virtue of general laws of Kansas and Missouri; and is, besides, recognized by acts of Congress, and by a decision of the President, no sufficient reason appears why the act sought of this State should be put upon a lower basis Nor is it seen why a limit of fifty years to the duration of this law is not proper, especially as, under our Constitution, no warrant for acts perpetual in their nature, is to be found.

Your committee, therefore, respectfully present the accompanying substitute for the original bill, and unanimously recommend its passage.

Very respectfully,

C. D. MORRIS
Chairman *pro. tem.* of Committee.

COMMITTEE ROOM,
Austin, July 16, 1870.

Hon. IRA H. EVAN,
Speaker House Representatives:

SIR: Your Committee on Internal Improvements to whom was referred House Bill No. 379, entitled "An Act to incorporate the Texas and Mexico Railway, Steamship and Telegraph Company," having carefully considered said bill, would respectfully propose as a substitute therefor the accompanying bill, and recommend its passage.

Respectfully,

C. D. MORRIS,
Chairman *pro. tem.* of Committee.

Reports and bills passed to orders of the day.

Mr. Sinclair, Chairman of Committee on Education, submitted the following reports:

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 391, entitled "An Act to provide for the sale of county school lands," have had the same under consideration, and beg leave to report the same back with the recommendation that it do not pass.

Respectfully,

SINCLAIR,
Chairman.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Education, to whom was referred a petition of citizens of Kentucky Town, Grayson county, asking the enactment of a law prohibiting the sale of intoxicating liquors within one mile of "Kentucky Town Male and Female High School," have had the same under consideration, and beg leave to report the accompanying bill and recommend its passage.

Respectfully,

SINCLAIR,
Chairman.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 394, entitled "An Act to incorporate Salter's Commercial and Literary College," have had the same under consideration, and beg leave to report the same back with the following amendment. Amend section four so as to make it read thus:

"That all donations and bequests to said college shall be good and binding, although the corporate name may not have been properly stated by the person making such donation or bequest." With this amendment your committee recommend the passage of said bill.

Respectfully,

SINCLAIR,
Chairman.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Education, to whom was referred petition of citizens of Pilot Point, Denton county, asking the enactment of a law prohibiting the sale of spirituous liquors within two miles of "Pilot Point Male and Female High School," have had the same under consideration, and beg leave to report the accompanying bill and recommend its passage.

Respectfully,

SINCLAIR,
Chairman.

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee to whom was referred a petition of citizens of Snow Hill, Titus county, asking the enactment of a law prohibiting the sale of spiritous liquors within one mile of Snow Hill Academy, have had the same under consideration, and herewith report the accompanying bill and recommend its passage.

Respectfully,
SINCLAIR,
Chairman Committee on Education.

Reports and bills passed to orders of the day.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 410, creating the county of Delta, with a large number of the citizens of the counties of Lamar and Hopkins petitioning for the same, with a remonstrance, have had the same under consideration, and after hearing the statements of the honorable Senators and Representatives of the counties out of which said new county of Delta is proposed to be made, and the statement of other Representatives well acquainted with the condition, situation and necessities of the petitioners, would most respectfully beg leave to make the following report:

Your committee find that the proposed line of the new county on the north and south are two streams, and that the citizens residing between said streams do of necessity have them to cross in getting to their county sites, one in Lamar and the other in Hopkins county, and when said streams are up it is with great difficulty and inconvenience parties, litigants, witnesses and jurors can attend the courts of said counties, and that the creation of said county would not work injury or inconvenience to the citizens of either Lamar or Hopkins counties, leaving them with a large territory and a respectable population.

While it is true the new county will not contain nine hundred square miles, yet it will be an average county with many others in the State, having within its limits over five hundred jurors, and its citizens beiug willing to take upon themselves the burdens of the necessary taxation for the erection of their public buildings, etc.

Your committee, therefore, believing the new county ought to be made, return said bill and ask that it do pass, with the following amendments:

First, insert the following for section nine: The county seat of said county shall be known and called by the name of ————.

Second, make section nine of the bill section ten.

COOPER, Chairman.

Mr. Weaver, of Hunt, moved a suspension of the rules to take up House bill No. 410, to be entitled "An Act to create the county of Delta."

Rules suspended, and House bill No. 410 read the second time.

The following amendment, offered by the committee, viz: insert the following for section nine: "The county seat of said county shall be known and called by the name of ——."

On motion of Mr. Morris was then amended by inserting the word "Cooper" in the blank.

The amendment as amended was then adopted.

Section nine of the original bill was adopted as section ten, and the bill was ordered to be engrossed and read the third time.

On motion of Mr. Morris the rules were further suspended, and House bill No. 410 read the third time, and passed by the following vote, the yeas and nays being called for by Messrs. Weaver of Hunt, Becton and H. R. Allen:

Yeas—Messrs. Austin, Abbott, of Austin, Allen H. R., Allen Richard, Abbott, of Hill, Becton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Moore, of Harrison, Morris, McKee, of Gaudalupe, Mitchel, Mullins, Medlock, Miller, Moore, of Red River, Pierson, Plumley, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Weaver, of Hunt, Williams, of Walker, Weaver, of Johnson, Williams, of Colorado, York, Youngkin, Zapp, Zoeller—69.

Nays—None.

The title of the bill was agreed to.

Mr. Stockbridge, Chairman of Committee on Engrossed bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bills Nos. 186, 315, 355

and 371, have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Miller introduced a bill to be entitled "An Act to incorporate Quillin Academy."

Bill read the first time, and referred to Committee on Education.

Mr. Richard Allen introduced a bill to be entitled "An Act to incorporate the city of Houston in Harris county."

Bill read the first time and referred to the Committee on Town and City Corporations.

Mr. Franks introduced a bill to be entitled "An Act to incorporate the Galveston, Austin and Pacific Branch Railroad Company."

Bill read the first time and referred to the Committee on Internal Improvements.

Mr. Jenkins introduced the following entitled bills, which were read the first time and referred to the Judiciary Committee:

"An Act to define the duties of justices of the peace when acting as notaries public, and to provide for the qualifications of the same."

"An Act to legalize the notarial acts of justices of the peace in this State."

"An Act to legalize the organization and qualifications of the county officers of Hamilton county, and to validate the acts of the same."

Mr. Zapp offered the following joint resolution:

WHEREAS, There are upwards of seventeen hundred patents issued and remaining on file in the General Land Office, some of them dated as far back as 1841, and it is reasonable to believe that some of the patentees have lost their lives in the late war, or have died;

SECTION 1. *Be it hereby resolved* (for the benefit of their heirs), That a statement of all patents so issued be published in the Houston Union and State Journal, and that any newspaper in this State republishing the same shall be entitled to ten dollars for publication, by sending a copy to the Treasury office.

SEC. 2. That for the purpose of defraying the expenses for publication, one dollar shall be charged additional on every patent so published.

Joint resolution read the first time and referred to Committee on Public Lands and Land Office.

Mr. Slaughter introduced a bill to be entitled "An Act to incorporate the Colorado Valley Immigration Company."

Bill read the first time and referred to Committee on Immigration.

Also, a bill to be entitled "An Act to incorporate the Mutual Benefit Life Insurance Company of Texas."

Bill read the first time and referred to the Judiciary Committee.

Mr. Pierson introduced a bill to be entitled "An Act to authorize certain persons to establish a ferry across Big Cypress, in Upshur and Titus counties."

Bill read the first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Schutze moved a suspension of the rules to take up, out of its regular order, House bill No. 350, to be entitled "An Act for the relief of the Houston and Texas Central Railroad Company," upon which motion the yeas and nays were called for by Messrs. Burnett, Robinson and Schutze, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Burley, Booty, Chambers, Cooper, Cotton, Camp, Dupree, Dorris, Ellis, Franks, Gardiner, Grothaus, Harn, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Miller, Posey, Pierson, Plumley, Ross, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tinsley, Van Noy, Weaver of Hunt, Weaver of Johnson, York, Zapp—56.

Nays—Messrs. Speaker, Burnett, Davis, George, Lyons, Manning, Medlock, Robinson, Williams of Walker, Williams of Colorado, Youngkin, Zoeller—12.

So the rules were suspended.

[Mr. McLean in the chair.]

The following amendments, recommended by the Committee on Internal Improvements, were adopted:

Insert after the figures 1866, in line seven, section two, as follows: "and mature on the first day of July, 1891, the interest on which is payable on the first days of January and July of each year."

Add to the end of section three the following: "and shall be built as fast as the branch."

On motion of Mr. Slaughter the House resolved itself into Committee of the Whole for the consideration of the bill.

[Mr. McLean in the chair.]

1:25 P. M.

The committee rose. The chairman reported the committee had had under consideration the bill for the relief of the Houston and Texas Railway Company, and recommended the passage of the same

with certain amendments, and asked that the committee be discharged from further consideration of the subject.

Report accepted and committee discharged.

The following amendment, recommended by Committee of the Whole, on motion of Mr. Sinclair, was laid on the table:

In section two, line seventeen, after the words "allowed a" insert the word "temporary."

The following amendment was recommended by the Committee of the Whole:

Add the following to section four: "and provided further, that upon the completion of the main trunk to Richland Creek and to the city of Austin, within the time specified in this section, then the amount of $152,864 55, paid by the Texas Central Railway Company and Washington County Railroad, in the treasury warrants of the State in 1864 and 1865, shall be an absolute credit to said Houston and Texas Central Railway Company."

Mr. Sinclair moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Slaughter, Cooper and McLean, and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Becton, Burley, Burnett, Bonner, Cooper, Camp, Dupree, Ellis, Franks, Gaston, Gardnier, Grothaus, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, Mullins, Miller, Posey, Pierson, Plumley, Robb, Ross, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Smyth, Stockbridge, Tegner, Tinsley, Van Noy, Weaver of Johnson, York, Zapp, Zoeller—54.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Booty, Davis, Dorris, McLean, McKee, of Guadalupe, Mitchel, Medlock, Moore of Red River, Prissick, Slaughter, Stirman, Shelburne, Weaver of Hunt, Williams of Walker, Youngkin—18.

So the amendment was laid on the table.

Mr. R. L. Moore moved that the House adjourn. Lost.

Mr. Franks moved that the bill be ordered to be engrossed and read the third time, upon which motion the yeas and nays were called for by Messrs. Burnett, Davis and Robinson, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Burley, Booty, Bonner, Cooper, Cotton, Camp, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, Harn, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kendall, Lacy, Lane, Leonard, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Miller, Moore of Red River, Posey, Pierson, Plumley, Robb, Ross, Schlickum,

Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, York, Zapp—60.

Nays—Messrs. Burnett, Davis, Grothaus, George, Locke, Lyons, Manning, Medlock, Prissick, Youngkin, Zoeller—11.

So the bill was ordered to be engrossed and read the third time.

Mr. Plumley moved a suspension of the rules to put the bill on its final passage, upon which motion the yeas and nays were called for by Messrs. Burnett, Robinson and Davis, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Allen H. R., Allen Richard, Abbott of Hill, Becton, Burley, Booty, Bonner, Cooper, Cotton, Camp, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, Harn, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Morrison, Moore of Harrison, Morris, McLean, Mitchel, Mullins, Miller, Posey, Pierson, Plumley, Robb, Ross, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, York, Zapp—59.

Nays—Messrs. Burnett, Davis, Grothaus, George, Hughes, Locke, Lyons, Manning, McKee of Guadalupe, Medlock, Moore of Red River, Prissick, Robinson, Youngkin, Zoeller—15.

So the rules were suspended, and the bill was read the third time.

Mr. Burnett moved that the House adjourn. Lost.

The question being on the passage of the bill, the yeas and nays were called for by Messrs. Burnett, Robinson and Davis, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Burley, Booty, Bonner, Cooper, Cotton, Camp, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, Hughes, Harn, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Morrison, Moore of Harrison, Morris, McLean, Mitchel, Mullins, Miller, Moore of Red River, Posey, Pierson, Plumley, Robb, Ross, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, York, Zapp—61.

Nays—Messrs. Speaker, Burnett, Davis, Grothaus, George, Locke, Lyons, Manning, J. F. McKee, Medlock, Prissick, Robinson, Youngkin, Zoeller—14.

So the bill passed and its title was agreed to.

Mr. Hawkins moved that the House adjourn until half-past eight o'clock this evening. Lost.

On motion of Mr. C. L. Abbott, the House at 1:45 P. M., adjourned until ten o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 19, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. Grothaus the reading of yesterdays' journal was dispensed with.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following reports:

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred the following bills, to wit: House bill No. 5, entitled "An Act to permit persons of color and parties interested to testify"; House bill No. 55, entitled "An Act to admit parties to civil suits to be witnesses"; House bill No. 267, entitled "An Act to declare certain persons competent witnesses"; and House bill No. 282, entitled "An Act to permit parties defendants to testify in criminal cases," have duly considered the same, and respectfully report them back with a recommendation that they be indefinitely postponed.

The committee believe that no act is necessary to permit persons of color to testify as other citizens, as this right is already fully guaranteed in the Constitution of the State; and a majority of the committee are of opinion it would be impracticable at this time to pass an act admitting parties and interested persons to testify in civil or criminal cases, and therefore recommend that no innovation on the present law be made.

Very respectfully,

BURNETT,
Chairman.

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred the following House bills, to wit: No. 126, entitled "An Act to provide for a digest of the criminal laws"; No. 310, entitled "An Act regulating the verdict of jurors in civil cases"; No. 258, entitled "An Act to provide for the further security and arrest of

criminals"; and No. 209, entitled "An Act to suppress crime and insure the taking of testimony," having duly considered the same, are of opinion that existing laws on the subjects of the bills do not require any change, and therefore recommend that they do not pass.

Very respectfully,

BURNETT,
Chairman.

Reports and bills passed to orders of the day.

Mr. Morris, Chairman *pro tem.* of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
Austin, July 16, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 326, entitled "An Act to amend an act entitled an act to incorporate the Houston and Great Northern Railroad Company," having carefully considered the same, would respectfully propose as an amendment, to be made an addition to the end of section one. the following:

"Provided, that nothing herein contained shall be construed as in any manner reviving any grant of land to said company; and provided, further, that said company shall build its road at the rate of not less than thirty miles a year"; and, this amendment made, would report favorably upon said bill, and recommend its passage.

Very respectfully,

C. D. MORRIS,
Chairman *pro tem.* of Committee.

Report and bill passed to order of the day.

Mr. Camp, Chairman of Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

The Committee on Lands and Land Office, to whom was referred the petition of Hon. J. Kuechler, Commissioner of the General Land Office, requesting authority to continue the employment of a corresponding clerk in said office, having duly considered the same, would respectfully report that there has latterly been a large increase in the correspondence of the Land Office; that the Commissioner should accordingly be authorized to continue the employment of a corresponding clerk, as formerly allowed by the Commanding

General of this Department, and that the sum of fifteen hundred dollars per annum should be appropriated as a salary for said clerk. In futherance of the same the committee therefore offer the accompanying resolution.

Very respectfully,

CAMP,
Chairman.

Report and Joint Resolution passed to order of the day.

Mr. Slaughter, Chairman of Committee on Finance, submitted the following reports:

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Finance to whom was referred House Bill No. 395, entitled "An Act making an appropriation for the purpose of covering a deficiency in the amount appropriated by the Commanding General, Fifth Military District, for the purpose of having made a copy of the lists of registered voters in the State of Texas, have had the same under consideration, and respectfully return the same, with accompanying letters of his Excellency, Governor Ed. J. Davis, showing the necessity of the work, and recommending its passage.

SLAUGHTER, Chairman.

COMMITTEE ROOMS,
Austin, July 18, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Finance do herewith present to you a bill entitled "An Act to levy taxes," and do most respectfully recommend its passage.

SLAUGHTER,
Chairman.

Reports and Bills passed to orders of the day.

One hundred copies of report and bill to be entitled "An Act to levy taxes," ordered printed.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
July 19, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom

was referred a bill entitled "An Act to prohibit the sale of liquors near the village of Ladonia, in Fannin county," having examined the same respectfully return said bill amended as follows:

In the caption before the word "miles" strike out the word "three" and insert "two;" in fifth line of section one strike out the words "or give away;" in seventh line strike out the word "three" and insert "two." In the fourteenth line, same section, strike out the word "fifty" and insert "ten;" also, in same line before the words "hundred dollars" strike out the word "two" and insert "one." And as thus amended your committee recommends its passage.

C. D. MORRIS,
Chairman.

Redort and bill passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, snbmitted the following report:

COMMITTEE ROOM,
July 19, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bills Nos. 44, 183 and 421, have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

S. STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
July 19, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Enrolled Bills instructed me to report that they have an examined "An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin," and find the same correctly enrolled.

ROBINSON,
Chairman.

Report accepted and bill signed by the Speaker.

Mr. Schutze, Chairman of Select Committee, submitted the following report and resolution:

COMMITTEE ROOM,
Austin, July 18, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: The Committee of Arrangements for the burial of Hon. R. Crudup instruct me to report that they have received and carefully examined the inclosed accounts, marked number one to fourteen, amounting in the aggregate to four hundred and eighty-six dollars and fifty-eight cents, and having approved the same respectfully recommend the adoption of the accompanying resolution.

Very respectfully,

J. SCHUTZE,
Chairman.

Resolved, That the Chairman of the Committee on Contingent Expenses be and is hereby authorized to draw from the contingent fund the sum of four hundred and eighty-six dollars and fifty-eight cents, and that he be instructed to defray the expenses of last sickness and funeral of Hon. R. Crudup, deceased, as exhibited by vouchers number one to fourteen.

Resolution read the first and second times, and, on motion of Mr. Sinclair, it was adopted.

The Chief Clerk was dispatched to the Senate with House bill No. 183, to be entitled "An Act legalizing a special tax levied by military order;" enrolled bill to be entitled "An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin;" and House bill No. 421, to be entitled "An Act to prohibit the sale of intoxicating liquors within two miles of Pennington College, Trinity county."

Mr. Jenkins introduced a bill to be entitled "An Act creating the office of County Treasurer, and providing for the election and appointment of the same."

Bill read the first time and referred to the Judiciary Committee.

Also, a bill to be entitled "An Act to provide for levying and collecting a special road tax, and to appropriate the same to the building of bridges and the improvement of public roads in the different counties of this State."

Bill read the first time and referred to Committee on Roads, Bridges and Ferries.

Mr. R. Williams offered the following resolution:

Resolved, That the Committee on Roads, Bridges and Ferries are hereby instructed to prepare a bill providing for levying a special road tax, in accordance with section forty-six of article twelve of the constitution, and report the same at the earliest day practicable.

Resolution read the first and second times, and, on motion of Mr. Burley, it was adopted.

Mr. Cooper introduced a bill to be entitled "An Act for the relief of John W. High, of the county of Houston."

Bill read the first time and referred to the Judiciary Committee.

Mr. Posey offered the following resolution:

Resolved, That the use of this hall be tendered to General A. J. Hamilton on Saturday night next, 23d instant, for the purpose of delivering a public address.

Resolution read the first and second times.

Mr. Zoeller moved to lay the resolution on the table, upon which motion the yeas and nays were called for by Messrs. Posey, Jenkins and Kyle, and resulted as follows:

Yeas—Messrs. R. Allen, Burnett, Dupree, Davis, Grothaus, Harn, Hawkins, Locke, Moore of Harrison, Medlock, Robinson, Schlickum, Schlotman, Williams of Walker, Williams of Colorado, York, Youngkin, Zoeller—18.

Nays—Messrs. Austin, Abbott of Austin, H. R. Allen, Becton, Burley, Booty, Bonner, Chambers, Cooper, Cotton, Camp, Dorris, Ellis, Franks, Gardiner, George, Hughes, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Manning, Morrison, McLean, McKee of Guadalupe, Mitchel, Miller, Moore of Red River, Posey, Pierson, Prissick, Robb, Ross, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tinsley, Van Noy, Weaver of Hunt, Weaver of Johnson. Zapp—50.

So the House refused to lay the resolution on the table.

A message was received from the Governor. Laid over under the rules.

A message was received from the Senate transmitting enrolled bills to be entitled "An Act granting certain real estate to the city of Austin," and "An Act organizing the county of Presidio," which were presented to the Speaker, signed by him and returned to the Senate.

Mr. Burnett moved the rejection of the resolution offered by Mr. Posey, upon which motion the yeas and nays were called for by Messrs. Franks, Jenkins and Robinson.

The hour having arrived for the consideration of the special order for the day, viz: a bill for the relief of the estate of Thomas J. Chambers, deceased; on motion of Mr. Franks, it was postponed until the business now under consideration is disposed of.

The question being on the motion of Mr. Burnett to reject the resolution offered by Mr. Posey, the House refused to reject the resolution by the following vote:

Yeas—Messrs. R. Allen, Burnett, Dupree, Davis, Harn, Kendall,

Locke, Moore of Harrison, Mullins, Medlock, Robinson, Schlickum, Schlotman, Youngkin, Zoeller—15.

Nays—Messrs. Austin, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Bonner, Chambers, Cooper, Cotton, Camp, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Manning, Morrison, McLean, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schutze, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tinsley, Van Noy, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Zapp—57.

Mr. Slaughter moved to strike out the word "tendered" in the resolution, and to insert the word "granted" in lieu thereof. Amendment adopted.

The question recurring on the adoption of the resolution as amended, it was adopted.

On motion of Mr. Sinclair, the rules were suspended to allow the reading of the following message from the Governor:

EXECUTIVE OFFICE,
Austin, July 19, 1870.

To the honorable Senate
and House of Representatives of Texas:

GENTLEMEN: I enclose you a copy of a communication from Hon. A. Bledsoe, Comptroller, in relation to the matter of assessment and collection of taxes. It will be apparent to you on reference to the new constitutional provisions concerning this matter, that until action is had by the Legislature, the assessment and collection of taxes is practically suspended, and however prompt your action may be it must be several months before receipts can be expected.

The amount of cash in the treasury is rapidly diminishing, and without even the customary receipts the funds for the ordinary support of the State government will be wanting. I request an early consideration of this matter.

Respectfully,
EDMUND J. DAVIS,
Governor.

On motion of Mr. Burnett, the message and accompanying document were referred to the Committee on Finance.

On motion of Mr. Cooper, the special order was further postponed to take up out of its regular order a bill (H. B. No. 433) to be entitled "An Act to release A. M. Niks from paying State, county,

or city incorporation tax on the sale of goods, wares and merchandise, in the State of Texas."

Bill read the first time.

On motion of Mr. Cooper the rules were further suspended, and House Bill No. 433 read the second time.

Mr. Schutze moved to amend section one, by inserting after the word "merchandise," the words "in person and not otherwise."

Amendment adopted.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Franks, the rules were further suspended, the bill read the third time, passed and its title agreed to.

Mr. Burley moved a suspension of the rules to take up out of its regular order, House Bill No. 125, entitled "An Act to establish public schools within the State of Texas," and the substitute therefor presented by the Committee on Education.

Rules suspended and bill read the second time.

A message was received from the Senate transmitting enrolled bill entitled "An Act to incorporate Washington Fire Engine Company No. 1, of the city of Austin," announcing that the President of the Senate had signed the bill in open session.

A message was received from the Governor.

On motion of Mr. Sinclair, the rules were suspended to allow the reading of the message.

EXECUTIVE OFFICE,
AUSTIN, July 19, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: I have been satisfied by explanations received since my veto of the "Galveston Bay Dredging Company," that the mouth of the Trinity river, which it is proposed to improve, is not the one now used by steamers and vessels, and which was once opened by the State Government, but is the Pass known as "Brown's Pass." With this understanding, which has been brought about by the representations of the friends of the bill, I have concluded to withdraw my veto of said bill, sent in on the 11th inst.

Very respectfully,
EDMUND J. DAVIS,
Governor.

On motion of Mr. Sinclair, the Speaker was instructed to return to the Governor his veto message and enrolled bill, to be entitled "An Act to incorporate the Galveston Bay Dredging Company, for the purpose of opening the mouth of the Trinity River."

The hour arrived for the consideration of the special order under resolution adopted July 2.

The question pending at adjournment of the morning session on the thirteenth instant, being on the motion of Mr. Dorris to lay on the table the amendment offered by Mr. McLean to the amendment of Mr. Abbott, of Hill, to House bill No. 407, to be entitled "An Act fixing the salary and prescribing the fees of district attorneys," the amendment to the amendment was laid on the table.

The question recurring on the adoption of the amendment offered by Mr. Abbott, of Hill, to strike out of section two the words "whether the defendant be convicted or not," and to insert in lieu thereof the words "in case of conviction," Mr. Cooper moved to lay the amendment on the table. Lost.

Mr. Hughes moved the adoption of the amendment.

Mr. Slaughter moved a call of the House

Call sustained

Absent—Messrs. H. R. Allen, Haswell, Morrison, Morris, Sinclair, Tegener and B. F. Williams.

On motion of Mr. Slaughter the call of the House was suspended.

The question recurring on the motion of Mr. Hughes the amendment was adopted.

Mr. Locke offered a substitute for the bill.

Mr. Pierson moved to amend section one by striking out the words "fifteen hundred," and inserting in lieu thereof the words "twelve hundred."

Mr. Chambers moved to lay the amendment on the table. Lost.

The question recurring on the adoption of the amendment, it was adopted.

Mr. Franks moved to amend section two of the substitute by inserting the following in lieu thereof:

"For any case of conviction before any court for felony the district attorney shall receive from the State Treasury one hundred dollars.

On motion of Mr. McLean the amendment was laid on the table.

Mr. Grothaus moved to lay the substitute on the table. Lost.

Mr. Miller moved to amend by striking out section three.

Mr. Locke moved to lay the amendment on the table; upon which motion the yeas and nays were called for by Messrs. Lane, Austin and Grothaus, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Burley, Bonner, Chambers, Cooper, Camp, Davis, Ellis, Gaston, George, Hughes, Harn, Hawkins, Johnson, Jenkins, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, McLean, Mitchel, Moore of Red River, Plumley, Stirman, Shel-

burne, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, York—37.

Nays—Messrs. Richard Allen, Burnett, Cotton, Dupree, Dorris, Franks, Grothaus, Hamilton, Kyle, Kendall, McKee of Guadalupe, Mullins, Miller, Posey, Pierson, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Sheriff, Slaughter, Smyth, Stockbridge, Williams of Colorado, Youngkin, Zapp, Zoeller—29.

So the amendment was laid on the table.

Mr. Franks moved that the further consideration of the bill and substitute be postponed until Thursday next at 11 o'clock A. M., and that two hundred copies of the bill and substitute be printed. Lost.

Mr. Miller moved to amend the substitute by striking out the words "five thousand" where they occur, and inserting in lieu thereof the words "one thousand."

Amendment adopted.

Mr. Franks moved to amend by striking out all after the words "ten per cent."

Mr. Pierson moved to lay the amendment on the table. Carried.

By leave Mr. B. F. Williams presented the memorial of William B. Scales, which was read and referred to Committee on State Affairs.

On motion of Mr. McLean the substitute was adopted in lieu of the original bill.

The question being on the final passage of the bill, it passed and its title was agreed to.

On motion of Mr. McLean the rules were suspended to proceed to the transaction of unfinished business on the Speaker's table.

House bill No. 102, to be entitled "An Act for the relief of the Texas and New Orleans Railroad Company, and to protect it in the enjoyment of its rights," being first in order, the following amendment was offered by Mr. J. F. McKee:

Amend section fourth by striking out all of the section except the words, "This act to take effect immediately after its passage."

On motion of Mr. Locke the amendment was laid on the table.

The following amendment, recommended by the Committee on Internal Improvements, was adopted:

Add to section one the following proviso: "Provided, that nothing contained in this act shall be considered as granting any lands or money, or reviving any grants of lands or money to said company."

On motion of Mr. Plumley the further consideration of the bill was postponed and made the special order for to-morrow, at 10:30 A. M.

On motion of Mr. Hughes the consideration of House bill No.

422, to be entitled "An Act for the relief of the estate of Thomas J. Chambers, deceased," was made the special order for 8:30 P. M., to-morrow.

By leave Mr. Franks introduced a joint resolution in regard to the salaries of district judges, which was read the first time and referred to Judiciary Committee.

Mr. Posey moved to adjourn until 8:30 this P. M. Lost.

By leave of the House Mr. Jenkins offered the following resolution:

Resolved, That from and after this date this House shall meet at 9 o'clock A. M., and continue in session for a term not less than four hours, unless by consent of two-thirds of the members present.

Resolution read first and second times.

Mr. Franks moved to amend by adding "and shall hold but one session each day."

Mr. Slaughter moved to lay the resolution and amendment on the table. Lost.

A message was received from the Senate returning House bill No. 254, to be entitled "An Act to incorporate the Southern Trans-Continental Railway Company," with amendments, and asking the concurrence of the House thereto.

On motion of Mr. Grothaus the House at 1 o'clock P. M. adjourned until the regular hour this P. M.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 19, 1870.

EVENING SESSION JULY 19.

8:30 O'CLOCK P. M.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; no quorum present.

Mr. Dupree moved a call of the House. Call sustained.

Absent—Messrs. Bonner, Chambers, Davis, Ellis, Hughes, Hawkins, Johnson, Miller, Posey, Pierson, Robb, Ross, Schutze and Smyth.

On motion of Mr. Weaver of Johnson, Mr. Weaver of Hunt was excused from attendance.

Quorum present.

On motion of Mr. Slaughter the call of the House was suspended.

Mr. Harn moved a suspension of the rules to take up out of its regular order House bill No. 299.

Rules not suspended.

On motion of Mr. Franks the rules were suspended to take up the unfinished business on the Speaker's table.

The question pending at adjournment was on the amendment of Mr. Franks to the resolution offered by Mr. Jenkins relative to the sessions of the House.

Mr. Morris moved to lay the amendment and resolution on the table, upon which motion the yeas and nays were called for by Messrs. Jenkins, Locke and Leonard, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Cooper, Gardiner, George, Harn, Hamilton, Lacy, Lane, Manning, Morrison, Morris, Mitchel, Medlock, Plumley, Sheriff, Stockbridge, Tinsley, Youngkin—18.

Nays—Messrs. Austin, H. R. Allen, R. Allen, Abbott of Hill, Burley, Booty, Burnett, Camp, Dupree, Dorris, Franks, Gaston, Grothaus, Haswell, Jenkins, Kyle, Kendall, Leonard, Locke, Lyons, Moore of Harrison, McLean, McKee of Guadalupe, Mullins, Miller, Moore of RedRiver, Posey, Prissick, Robinson, Schlickum, Schlotman, Sinclair, Slaughter, Smyth, Shelburne, Tegener, R. Williams, Weaver of Johnson, B. F. Williams, York, Zapp, Zoeller--42.

So the House refused to lay the amendment and resolution on the table.

On motion of Mr. Locke the amendment, offered by Mr. Franks, was adopted.

Mr. Sinclair moved to amend the resolution by striking out the

word "two-thirds," when it occurs, and inserting in lieu thereof the word "majority." Lost.

Mr. Locke moved a reconsideration of the vote by which the House adopted the amendment offered by Mr. Franks. Carried.

On motion of Mr. Cooper the amendment was rejected.

Mr. C. L. Abbott moved to reject the resolution offered by Mr. Jenkins, upon which motion the yeas and nays were called for by Messrs. Locke, Jenkins and C. L. Abbott, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Burley, Cotton, Dupree, Dorris, Gardiner, George, Hughes, Harn, Hamilton, Hawkins, Kendall, Lacy, Lane, Moore of Harrison, Mullins, Miller, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Youngkin—28.

Nays—Messrs. Austin, Becton, Booty, Burnett, Cooper, Camp, Franks, Gaston, Grothaus, Haswell, Jenkins, Kyle, Leonard, Locke, Lyons, Manning, Morrison, Morris, McLean, McKee of Guadalupe, Mitchel, Medlock, Moore of Red River, Posey, Plumley, Prissick, Robinson, Sinclair, Stirman, Shelburne, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Zapp, Zoeller—37.

So the House refused to reject the resolution.

Mr. Schutze moved a call of the House. Call sustained.

Mr. Lane moved that the House adjourn. Lost.

Mr. Camp moved a suspension of the call of the House, upon which motion the yeas and nays were called for by Messrs. Schutze, Slaughter and Locke, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Becton, Booty, Burnett, Cooper, Cotton, Camp, Dupree, Gaston, Gardiner, Grothaus, George, Hughes, Hamilton, Haswell, Jenkins, Kyle, Kendall, Leonard, Locke, Lyons, Manning, Morrison. Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Medlock, Moore of Red River, Posey, Plumley, Prissick, Robinson, Schlotman, Sheriff, Sinclair, Slaughter, Stirman, Shelburne, Tinsley, Weaver of Johnson, Williams of Colorado, York, Youngkins Zapp—47.

Nays—Messrs. Abbott of Austin, R. Allen, Abbott of Hill, Burley. Dorris, Franks, Harn, Hawkins, Lacy, Lane. Mullins, Miller, Schlickum, Schutze, Stockbridge, Tegener, Williams of Walker —17.

So the call of the House was suspended.

Mr. Locke moved the previous question.

Previous question seconded.

The question being, "shall the main question be now put?" the yeas and nays were called for by Messrs. Harn, Schutze and Lacy, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Richard Allen, Becton, Booty, Burnett, Cooper, Cotton, Camp, Dupree, Dorris, Gaston, Gardiner, Grothaus, George, Hughes, Hamilton, Haswell, Jenkins, Kyle, Kendall, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Medlock, Moore of Red River, Posey, Plumley, Prissick, Robinson, Schlotman, Sheriff, Sinclair, Slaughter, Stirman, Shelburne, Tinsley, Williams of Walker, Weaver of Johnson, York, Youngkin, Zapp—50.

Nays—Messrs. Abbott of Hill, Burley, Harn, Hawkins, Lacy, Lane, Mullins, Miller, Schlickum, Schutze, Stockbridge, Tegener, Williams of Colorado—13.

So the main question was ordered.

The main question being on the adoption of the following resolution offered by Mr. Jenkins:

"*Resolved*, That, from and after this date, this House shall meet at nine o'clock A. M., and continue in session for a term not less than four (4) hours, unless by consent of two-thirds of the members present."

The yeas and nays were called for by Messrs Schutze, Harn and Lacy and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Becton, Booty, Burnett, Cooper, Camp, Grothaus, Kyle, Jenkins, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Medlock, Moore of Red River, Posey, Plumley, Prissick, Robinson, Schlotman, Stirman, Shelburne, Tinsley, Williams of Walker, Weaver of Johnson, Zapp—32.

Nays—Messrs. R. Allen, Abbott of Hill, Burley, Cotton, Dupree, Dorris, Gaston, Gardiner, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Kendall, Lacy, Lane, Morris, Mitchel, Mullins, Miller, Schlickum, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Williams of Colorado, York, Youngkin—31.

So the resolution was adopted.

Mr. C. L. Abbott moved a reconsideration of the vote just taken.

Mr. Plumley moved to lay the motion to reconsider on the table; pending which the house, on motion of Mr. Grothaus, at 9:30 P. M. adjourned until nine o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, Texas, July 20, 1870.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called. Quorum present.

On motion of Mr. Grothaus the reading of yesterday's journal was dispensed with.

Messrs. Slaughter, Manning and Camp presented petitions signed by justices of the peace of Smith, Van Zandt and Angelina counties, asking the passage of a law conferring upon justices of the peace exclusively the power of taking acknowledgments, etc.

Messrs. Speaker and Dorris presented petitions signed by clerks of the district court of Jasper, Hays and Caldwell counties, protesting against the passage of such a law.

On motion of Mr. Burnett the petitions were laid on the table.

Mr. York presented a petition signed by the police court of Jackson county, asking authority to levy a special tax.

Petition read and referred to Committee on Roads, Bridges and Ferries.

Mr. Burnett, Chairman of the Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on the Judiciary, to whom were referred the following House bills, to wit: No. 100, entitled "An Act regulating the registration of certain instruments of writing authorized or required to be recorded," and No. 235, entitled "An Act to authorize district clerks to take acknowledgments of all instruments of writing to be recorded;" No, 273, entitled "An Act to provide for district clerks to act as notaries public," and to whom were also referred numerous petitions from district clerks and justices of the peace in regard to the taking of acknowledgments, etc., respectfully report the same back, and recommend that they be laid on the table.

The committee report herewith a bill entitled "An Act authorizing district clerks to take proof or acknowledgments of all instruments of writing for record," which we respectfully recommend be passed. The constitution confers upon justices of the peace the same power, but not exclusively, and the committee are of opinion

that the public convenience and interests would be subserved by conferring like power on district clerks.

Very respectfully,

BURNETT,
Chairman.

Petitions laid on the table and bills passed to orders of the day.

On motion of Mr. Burnett the rules were suspended to take up a bill, House bill No. 437, to be entitled "An Act authorizing district clerks to take proof or acknowledgments of all instruments of writing for record."

Bill read the first time.

Mr. Hughes moved a further suspension of the rules to put the bill on its second reading.

Rules suspended, and House bill No. 437 read the second time, ordered to be engrossed and read the third time.

Mr. Zoeller moved a further suspension of the rules to put the bill on its final passage.

Rules suspended, House bill No. 437 read the third time, passed and its title agreed to.

Mr. Grothaus, from Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 20, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bills Nos. 91, 164, 350 and 433, have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

F. E. GROTHAUS,
Member of Committee.

Report accepted.

Mr. Hughes introduced a bill to be entitled "An Act to incorporate the Weatherford Masonic Institute."

Bill read the first time and referred to the Judiciary Committee.

Mr. Jenkins offered the following resolution:

Resolved, That it is the sense of this House that it will not consider any proposition to suspend the rules and to take up business out of its regular order, until the regular order of business for the day has been disposed of.

Resolution read the first and second times, and, on motion of Mr. Plumley, it was laid on the table.

Mr. Kyle asked permission to withdraw a bill in the hands of the

Committee on Internal Improvements, to incorporate the Victoria and Colorado Railway Company. Leave granted.

[Mr. Burnett in the Chair.]

Mr. Evans introduced a bill to be entitled "An Act to authorize the police court of Karnes county to levy and collect a special tax for the purpose of completing the courthouse and jail now in process of construction in said county.

Bill read the first time and referred to Committee on Counties and County Boundaries.

Also a bill to be entitled "An Act supplementary to and amendatory of an act entitled an act supplementary to an act to incorporate the city of Corpus Christi, approved February 13, 1854."

Bill read the first time and referred to Committee on Town and City Corporations.

[Speaker in the Chair.]

Mr. Manning moved a suspension of the rules to take up out of its regular order, House bill No. 86, to be entitled "An Act to incorporate the town of Canton in Van Zandt county."

Rules suspended and substitute for House bill No. 86, was then read.

Mr. Morris moved to amend section two of the substitute by striking out the words "from their own body," and inserting in lieu thereof the words "by said mayor and aldermen." Amendment adopted.

The substitute was then adopted in lieu of the original bill, and ordered to be engrossed and read a third time.

On motion of Mr. Grothaus the rules were further suspended, House bill No. 86 read the third time, passed, and its title agreed to.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
JULY 19, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

I have the honor to report that "An Act to incorporate the Washington Fire Engine Company No. 1, of Austin, Texas," was this day presented to the Governor for approval.

W. G. ROBINSON,
Chairman Committee Enrolled Bills.

Report accepted.

Mr. B. F. Williams moved a suspension of the rules to take up out of its regular order House bill No. 364, to be entitled "An Act to incorporate the town of Columbus, in Colorado county."

Rules suspended and bill read the second time.

The following amendments recommended by the Committee on Town and City Corporations, were adopted:

Article second, in ninth line, strike out the words "the consent of" and insert "paying;" also in tenth line strike out the word "or," and after the words "just compensation" strike out the remainder of said article.

Article fourte, thirty-first line, after the word "order" strike out the words "that might be done by the Legislature of the State of Texas."

Article fifth, eightn line, after the words "of said city" strike out the words "and for the service of process, civil or criminal, eminating from the city authorities be co-extensive with Colorado county."

Article sixth, third line, strike out the words "civil and," and after the words "criminal cases" strike out all of said article down to the thirteenth line commencing with the words "and exclusive jurisdiction."

Article eighth, first line after the word "all" strike out the words "defendants as well as plaintiffs in civil cases," and insert the word "persons;" in eighth and ninth lines of said article after the word "causes," strike ont the words "civil and," also the words "matter in controversy or."

Article nine, fifth line, strike out the words "execution shall" and insert the words "capias may."

Article thirteenth, twenty-second line, after the word "purposes" strike out the following: "co-extensive with the limits of the county of Colorado;" in thirty-third line, after the word "punished," strike out the words "by all the courts in this State accordingly upon conviction of the offender or offenders," and insert the words "as violators of said ordinances."

Article sixteen, in second line, after the words "shall have power," strike out the words following, to-wit: "equal to that of the Legislature of the State."

House bill No. 364 was then ordered to be engrossed and read the third time.

On motion of Mr. Slaughter, the rules were further suspended. House bill No. 364 read the third time, passed and its title agreed to.

Mr. Slaughter moved a suspension of the rules to take up out of its regular order House bill No. 368, to be entitled "An Act to incorporate the Sabine Valley Agricultural and Mechanical Society."

Rules suspended and bill read the second time.

The following amendments recommended by Committee on Agriculture and Stock Raising were then adopted:

Amend section seven, said section to be section six, and the subsequent sections to correspond in number with the preceding sections.

Also amend section eleven by striking out all of said section after the word "imposition" in line seven.

House bill No. 368 was then ordered to be engrossed and read the third time.

On motion of Mr. R. L. Moore, the rules were further suspended. House bill No. 368 read the third time, passed and its title agreed to.

On motion of Mr. Cooper, the rules were suspended to take up bills on their second reading.

House bill No. 41, to be entitled "An Act to incorporate the Odd Fellows' Hall and Building Association of Texas," read the second time.

The following amendment, recommended by Committee on State Affairs, was adopted:

Amend the caption so as to read "Odd Fellows' Building and Exchange Company of Texas," and strike out all that portion of section nine which has reference to insurance.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Cooper the rules were suspended, House bill No. 41 read the third time, passed, and its title being amended, as recommended by the committee, was agreed to.

House bill No. 46, to be entitled "An Act to incorporate the Powell Bridge Company in Navarro county," read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Abbott of Hill the rules were suspended, House bill No. 46 read the third time, passed and its title agreed to.

House bill No 49, to be entitled "An Act to authorize B. P. Riddle and James Blackburn to erect a toll bridge over the Neches River, in the county of Cherokee, and State of Texas," read the second time, ordered to be engrossed, and read the third time.

On motion of Mr. Burnett the rules were suspended, House bill No. 49 read the third time, passed and its title agreed to.

House bill No. 51, to be entitled "An Act to incorporate the town of Bonham, in Fannin county," was read the second time.

The following amendment, recommended by the Committee on Town and City Corporations, was adopted:

Strike out section seven of said charter, and add to section nine the following: "provided, nothing in this charter contained, shall interfere with the law passed by this Legislature entitled "An Act

to provide for the appointment by the Governor of certain officers to fill vacancies."

The bill was then ordered to be engrossed, and read the third time.

On motion of Mr. Austin the rules were suspended, House bill No. 51 read the third time, passed and its title agreed to.

House bill No. 64, to be entitled "An Act to relinquish the title and to confirm the patents to certain lands therein named," read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Burnett the rules were suspended, House bill No. 64 read the third time, passed, and its title agreed to.

House bill No. 65. to be entitled "An Act to incorporate the Gulf Lands Company of Galveston, Texas," read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Morris the rules were suspended, House bill No. 65 read the third time, passed and its title agreed to.

House bill No. 66, to be entitled "An Act to regulate and provide for the compounding, dispensing and sale of drugs, medicines and poisons, ' read the second time.

Substitute for the bill was then read.

The hour having arrived for the consideration of the special order for the day, on motion of Mr. Sinclair it was postponed for five minutes.

On motion of Mr. Burnett one hundred copies of the substitute for the House bill No. 66 were ordered printed, to be laid on the members' desks, and the further consideration of the bill and substitute was made the special order for Friday next at 10 o'clock A. M.

Special order resumed, viz: House bill No. 102, to be entitled "An Act for the relief of the Texas and New Orleans Railroad Company, and to protect them in the enjoyment of their rights."

Mr. McLean moved to amend section three, line one, by inserting after the word "that" the words "for fifteen years from and after the passage of this act."

Mr. Sinclair moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Sinclair, Burnett and Jenkins, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Burley, Burnett, Cooper, Cotton, Dupree, Davis, Ellis, Gardiner, George, Hamilton, Haswell, Jenkins, Kyle, Manning, Morrison, Morris, McKee of Guadalupe, Mitchel, Medlock, Miller, Prissick, Robinson, Schlickum, Schlotman, Sinclair, Tegener, Youngkin, Zoeller—29.

Nays—Messrs. Austin, H. R. Allen, Richard Allen, Abbottt of Hill, Becton, Booty Bonner, Chambers, Camp, Dorris, Gaston, Hughes, Harn, Hawkins, Lacy, Lane, Leonard, Locke, Lyons,

Moore of Harrison, McLean, Moore of Red River, Plumley, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Shelburne, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Zapp—36.

So the House refused to lay the amendment on the table.

Mr. Slaughter moved to amend the amendment by striking out the word "fifteen" and inserting in lieu thereof the word "five," upon which motion the yeas and nays were called for by Messrs. Chambers, Miller and Lacy, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Burley, Burnett, Chambers, Cooper, Cotton, Dupree, Davis, Dorris, Gardiner, George, Hughes, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Leonard, Locke, Manning, Morris, McKee of Guadalupe, Mitchell, Mullins, Prissick, Schlickum, Schlotman, Schutze, Sinclair, Stockbridge, Tegner, Tinsley, Williams of Walker, Zapp, Zoeller—37.

Nays—Messrs. Austin, Allen H. R., Allen Richard, Abbott of Hill, Becton, Booty, Bonner, Camp, Ellis, Gaston, Lacy, Lane, Lyons, Morrison, Moore of Harrison, McLean, Miller, Moore of Red River, Pierson, Plumly, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Johnson, Williams of Colorado, York—28.

So the amendment to the amendment was adopted.

A message was received from the Senate announcing that the Senate had passed House bill No. 183, to be entitled "An Act legalizing a special tax levied by military order;" House bill No. 7, to be entitled "An Act to authorize district judges and district clerks to approve bonds of county officers in certain cases," and House bill No. 68, to be entitled "An Act reviving the act incorporating the Galveston Dry Dock Company, and the subsequent laws in relation thereto, approved February 16, 1852 February 7, 1853, and February 8, 1858."

Also transmitting Senate joint resolution concerning the supreme court libraries at Tyler and Galveston, asking the concurrence of the House in the same.

Senate joint resolution passed to order of the day.

The question recurring on the adoption of the amendment by Mr. McLean as amended to House bill No. 102, it was adopted.

Mr. Miller moved to strike out section three.

On motion of Mr. McLean the motion of Mr. Miller was laid on the table.

Mr. Sinclair moved to strike out all after the word "State" in section three, line nine.

Mr. McLean moved to lay the motion of Mr. Sinclair on the table, upon which motion the yeas and nays were called for by Messrs. Burnett, Slaughter and Davis, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, R. Allen, Becton, Burley, Booty, Bonner, Chambers, Camp, Gaston, Johnson, Lacy, Lyons, McLean, Mitchel, Moore of Red River, Pierson, Plumley, Simmons, Stirman, Shelburne, Tinsley, Williams of Colorado, York, Youngkin—25.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Grothaus, George, Hughes, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lane, Leonard, Locke, Manning, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mullins, Medlock, Miller, Prissick, Ross, Schlickum, Schlotman, Schutze, Sinclair, Slaughter, Smyth, Stockbridge, Tegener, Williams of Walker, Weaver of Johnson, Zapp, Zoeller—45.

So the House refused to lay the motion of Mr. Sinclair on the table.

The hour having arrived for the transaction of the regular order of business as provided for in resolution adopted July 2, it was, on motion of Mr. Camp, postponed until the business now under consideration is disposed of.

The question recurring on the motion of Mr. Sinclair to strike out of section three all after the word "State," the yeas and nays were called for by Messrs. Miller, Sinclair and R. L. Moore, and resulted as follows:

Yeas—Messrs. Burley, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hawkins, Johnson, Kyle, Locke, Morrison, Morris, Mckee of Gaudalupe, Mitchel, Medlock, Miller, Plumley, Prissick, Ross, Schlickum, Sheriff, Sinclair, Slaughter, Shelburne, Tegener, Williams of Walker, Zoeller—33.

Nays—Messrs. Speaker, Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Chambers, Camp, Gaston, Hughes, Hamilton, Haswell, Kendall, Lacy, Lane, Leonard, Lyons, Manning, Moore of Harrison, McLean, Mullins, Moore of Red River, Pierson, Robinson, Schlotman, Simmons, Smyth, Stirman, Tinsley, Weaver of Johnson, Williams, of Colorado, York, Youngkin, Zapp—34.

So the motion was lost.

Mr. Burnett moved to amend section one by adding the following:

"And provided further, that said company shall have the entire road between New Orleans and Houston completed and equipped within two years from and after the passage of this act."

Mr. McLean moved to lay the amendment on the table; upon which motion the yeas and nays were called for by Messrs. Robinson, Burnett and Sinclair, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Becton, Burley, Booty,

Chambers, Cotton, Camp, Franks, Gaston, Haswell, Johnson, Lacy, Lyons, Morrison, McLean, Moore of Red River, Posey, Pierson, Plumley, Ross, Simmons, Smyth, Stirman, Shelburne, Tinsley, Weaver of Johnson, Williams of Colorado, Zapp—29.

Nays—Messrs. Abbott of Hill, Burnett, Cooper, Davis, Dorris, Gardiner, Grothaus, George, Hughes, Harn, Hamilton, Hawkins, Jenkins, Kyle, Kendall, Leonard, Locke, Manning, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Prissick, Robb, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Williams of Walker, York, Youngkin, Zoeller—39.

So the House refused to lay the amendment on the table.

[Mr. Burnett in the chair.]

A message was received from the Senate announcing that that body had passed House bill No. 139, with certain amendments, asking the concurrence of the House in the same.

The question recurring on the adoption of the amendment offered by Mr. Burnett to House bill No. 102, it was adopted.

A message was received from the Senate transmitting House bill No. 405, to be entitled "An Act to prescribe the time of the annual meeting of the Legislature," announcing that the Senate had passed the same, and concurred in House amendments to Senate bill No. 55, to be entitled "An Act to organize and define the powers of the criminal district court in and for the counties of Galveston and Harris, and to prescribe the duties thereof."

Also, transmitting Senate bill No. 26, to be entitled "An Act to incorporate the Texas Military Institute," and Senate bill No. 65, to be entitled "An Act to incorporate the Austin City Ice Company," asking the concurrence of the House in the same.

Bills passed to orders of the day.

Mr. Slaughter moved that the House adjourn until the usual hour to-morrow, upon which motion the yeas and nays were called for by Messrs. Posey, H. R. Allen and Austin, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Burley, Cotton, Dupree, Davis, Ellis, Gardiner, George, Harn, Hamilton, Haswell, Johnson, Kendall, Lane, Leonard, Manning, Morrison, Moore of Harrison, Morris, Pierson, Schlickum, Schlotman, Slaughter, Stockbridge, Tegener, Weaver of Johnson, Zapp, Zoeller—29.

Nays—Messrs. Austin, H. R. Allen, R. Allen, Becton, Booty, Burnett, Chambers, Cooper, Camp, Dorris, Franks, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Locke, Lyons, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pumley, Prissick, Robb, Ross, Schutze,

Sheriff, Sinclair, Smyth, Stirman, Tinsley, Williams of Walker, Williams of Colorado, York, Youngkin---41.

So the House refused to adjourn.

On motion of Mr: Sheriff the House (at one o'clock P. M.) adjourned until the usual hour this evening.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 20, 1870.

EVENING SESSION.

8:30 P. M.

House met pursuant to adjournment. Roll called; quorum present.

Mr. Slaughter gave notice that he would introduce a resolution to change rule seventy-seven of the House, relative to smoking in the same.

Mr. Burnett moved a postponement of the special order to take up the unfinished business under consideration when the House adjourned; upon which motion the yeas and nays were called for by Messrs. Sinclair, Locke and Hughes, and resulted as follows:

Yeas—Messrs. Austin, Allen H. R., Abbott of Hill, Becton, Booty, Burnett, Cotton, Dorris, Grothaus, George, Hamilton, Haswell, Johnson, Kendall, Lane, Locke, Lyons, Moore, of Harrison, McLean, Moore, of Red River, Pierson, Ross, Schlickum, Schlotman, Schutze, Simmons, Smyth, Tegener, Tinsley, Williams, of Walker, Weaver, of Johnson, York, Young-kin, Zoeller—34.

Nays—Messrs. Abbot of Austin, Allen Richard, Burley, Chambers, Cooper, Camp, Dupree, Davis, Ellis, Franks, Gaston, Gardiner, Hughes, Harn, Hawkins, Jenkins, Kyle, Lacy, Leonard, Manning, Morris, Medlock, Mullins, Posey, Plumley, Prissick, Robb, Robinson, Sheriff, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Zapp—35.

So the House refused to postpone the special order.

Mr. Slaughter moved that House bill No. 422, entitled "An Act for the relief of the estate of T. J. Chambers, deceased," be made the special order for to-morrow at 12 o'clock M. in committee of the whole House. Carried.

Mr. Plumley moved a suspension of the rules to take up bills on their third reading and put them on their final passage. Lost.

Mr. Harn moved a suspension of the rules to take up out of its regular order House bill No. 125, entitled "An Act to establish public schools within the State of Texas," upon which the yeas and nays were called for by Messrs. Harn, Robinson and Lacy, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Burley, Burnett, Cooper, Cotton, Camp, Dupree, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamil-

ton, Haswell, Johnson, Kendall, Locke, Lyons, Manning, Moore of Harrison, Morris, McLean, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stockbridge, Tegener, Tinsley, Williams of Walker, Youngkin, Zapp, Zoeller—47.

Nays—Messrs. Austin, Booty, Chambers, Davis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Posey, Pierson, Robb, Ross, Stirman, Shelburne, Weaver of Johnson, York—20.

So the rules were suspended.

Mr. Abbott, of Hill, moved a reconsideration of the vote just taken.

Mr. Harn moved to lay the motion to reconsider upon the table; upon which motion the yeas and nays were called for by Messrs. Austin, Jo. Abbott and Hawkins, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Becton, Burley, Booty, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Kendall, Lacy, Leonard, Locke, Lyons, Manning, Moore of Harrison, Morris, McLean, Mullins, Medlock, Moore, of Red River, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Smyth, Stockbridge, Tegener, Tinsley, Williams, of Walker, Youngkin, Zapp, Zoeller—49.

Nays—Messrs. Austin, Abbott of Hill, Chambers, Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lane, Posey, Pierson, Robb, Ross, Simmons, Stirman, Shelburne, Weaver of Johnson, York—19.

So the motion to reconsider was laid on the table.

Mr. B. F. Williamson was excused from attendance.

Mr. Pierson moved that the House adjourn. Lost.

Substitute for House bill No. 125 being under consideration, Mr. Hughes moved to amend section one by striking out the words "three thousand" and inserting in lieu thereof the words "one thousand."

Mr. Sinclair moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Hawkins, Austin and Becton, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Becton, Burley, Burnett, Chambers, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Kendall, Locke, Lyons, Moore of Harrison, Morris, Mullins, Medlock, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Youngkin, Zapp, Zoeller—46.

Nays—Messrs. Austin, Abbott of Hill, Booty, Ellis, Gaston,

Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Manning, McLean, Ross, Weaver, York, Smyth, Stirman, Shelburne—20.

So the amendment was laid on the table.

Mr. McLean moved to strike out the words "three thousand," in section one, and to insert in lieu thereof the words "twenty-five hundred."

Mr. Sinclair moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Schutze, Jo. Abbott and Harn, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Allen Richard, Burnett, Cotton, Dupree, Dorris, Franks, Gardiner, Grothaus, George, Harn, Locke, Moore of Harrison, Mullins, Medlock, Robinson, Schlotman, Slaughter, Stockbridge, Tegner, Youngkin, Zoeller—22.

Nays—Messrs. Austin, Allen, H. R., Abbott of Hill, Becton, Burly, Booty, Chambers, Cooper, Camp, Davis, Ellis, Gaston, Hughes, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Manning, Morris, McLean, Moore of Red River, Posey, Pierson, Plumly, Prissick, Robb, Ross, Schlickum, Schutze, Sheriff, Simons, Sinclair, Smyth, Stirman, Shelburne, Tinsley, Williams of Walker, Weaver of Johnson, York, Zapp—46.

So the House refused to lay the amendment on the table.

Mr. Slaughter moved that the House adjourn; upon which motion the yeas and nays were called for by Messrs. Pierson, Sinclair and Schutze, and resulted as follows:

Yeas—Messrs. Austin, Allen, H. R., Abbott of Hill, Becton, Booty, Chambers, Camp, Ellis, Gaston, Gardiner, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Posey, Pierson, Robb, Ross, Schutze, Slaughter, Tinsley, Weaver of Johnson—27.

Nays—Messrs. Abbott of Austin, Allen Richard, Burly, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Grothaus, George, Hughes, Harn, Hamilton, Kendall, Locke, Lyons, Manning, Moore of Harrison, Mullins, Medlock, Moore of Red River, Plumly, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tegner, Williams of Walker, York, Youngkin, Zapp, Zoeller—41.

So the House refused to adjourn.

Mr. Sinclair moved to reconsider the vote refusing to lay the amendment of Mr. McLean on the table. Lost.

The question recurring on the adoption of the amendment offered by Mr. McLean, it was adopted.

Mr. Chambers moved to strike out all after the words "per annum," in line fifth section second. Carried.

Mr. McLean moved to amend section second by striking out the words "shall nominate and by and with the consent of the Governor." Amendment adopted.

Mr. Haswell moved that the House adjourn; upon which motion the yeas and nays were called for by Messrs. Burley, Locke and York, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Abbott, of Hill, Becton, Booty, Camp, Dupree, Ellis, Franks, Gaston, Gardiner, Haswell, Hawkins, Johnson, Kendall, Lane, Pierson, Robb, Ross, Schlickum, Schutze, Sheriff, Slaughter, Stirman, Stockbridge, Tegener, Weaver, of Johnson—27.

Nays—Abbott, of Austin, Richard Allen, Burley, Burnett, Chambers, Cooper, Cotton, Dorris, Grothaus, George, Hughes, Harn, Hamilton, Jenkins, Kyle, Lacy, Leonard, Locke, Lyons, Manning, Morrison, Moore, of Harrison, Morris, McLean, Mullins, Medlock, Moore, of Red River, Posey, Plumley, Prissick, Robinson, Schlotman, Sinclair, Smyth, Shelburne, Tinsley, Williams of Walker, York, Youngkin, Zapp, Zoeller—41.

So the House refused to adjourn.

On motion of Mr. Schutze, section two was amended by inserting after the word "board," in line one, the words "or a majority of the members thereof."

Mr. Prissick moved to strike out section two. Lost.

Mr. R. L. Moore moved to amend section two by striking out the words "eighteen hundred," and inserting in lieu thereof the words "fifteen hundred."

Mr. Sinclair moved to lay the amendment on the table. Lost.

Mr. Hawkins moved that the House adjourn; upon which motion the yeas and nays were called for by Messrs. York, Robinson and Locke, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Burnett, Dupree, Ellis, Franks, Gaston, Gardiner, Hughes, Haswell, Hawkins, Kyle Kendall, Lacy, Lane, Lyons, Pierson, Robb, Schlotman, Schutze, Sheriff, Stirman, Tegener—26.

Nays—Messrs. Abbott of Austin, R. Allen, Burley, Chambers, Cooper, Cotton, Camp, Davis, Dorris, Grothaus, George, Harn, Hamilton, Johnson, Jenkins, Leonard, Locke, Manning Morrison, Moore of Harrison, Morris, McLean, Mullins, Medlock, Moore of Red River, Posey, Plumley, Prissick, Robinson, Ross, Schlickum, Sinclair, Smyth, Stockbridge, Shelburne, Tinsley, Williams of Walker, Weaver of Johnson, York, Youngkin, Zapp, Zoeller—42.

So the House refused to adjourn.

On motion of Mr. Austin the further consideration of the substitute and bill was postponed until 12 noon to-morrow.

Mr. Slaughter moved a suspension of the rules to allow the Chairman of the Judiciary Committee to present a report.

Rules suspended.

Mr. Burnett, Chairman of Judiciary Committee, reported that the committee had had under consideration a bill to be entitled "An Act to protect the poor and uneducated," and that a majority of the committee recommended that it be laid on the table.

Report and bill passed to orders of the day.

On motion of Mr. Schutze the House, at 10 o'clock P. M., adjourned until the regular hour to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 21, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. Davis, the reading of yesterday's journal was dispensed with.

Mr. Dorris rose to a question of privilege, in regard to a document purporting to have been introduced in the House by him.

Mr. Harn moved that a committee of three be appointed to investigate the facts in connection with the case. Carried.

The Speaker appointed Messrs. Harn, Tegener and Hawkins such committee.

The Speaker laid before the House a petition, signed by justices of the peace of Newton county, asking the passage of a law conferring on justices of the peace exclusively the power of taking acknowledgments, etc.

Mr. Chambers presented a petition, signed by the clerk of the district court of Orange county, protesting against the passage of such a law.

Petitions laid on the table.

Mr. Zapp presented a petition, signed by citizens of Fayette county, protesting against the dismemberment of their county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Mitchell was excused from attendance on account of sickness.

Mr. Plumley presented the petition of Robert P. Boyce asking relief.

Petition read and referred to Committee on Public Buildings and Grounds.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following reports:

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred House bill No. 347, entitled "An Act to enforce the attendance of witnesses in all cases whereof the State is a party," having duly considered the same, respectfully report it back with a recommendation that it be passed.

Very respectfully,
BURNETT,
Chairman.

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred House bill No. 436, entitled "An Act for the relief of John W. High," respectfully report the same back with a recommendation that it be passed.

Very respectfully
BURNETT,
Chairman.

Reports and bills passed to orders of the day.

On motion of Mr. Cooper, the rules were suspended to take up out of its regular order House bill No. 436, to be entitled "An Act for the relief of John W. High, of the county of Houston."

House bill No. 436 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Cooper, the rules were further suspended.

House bill No. 436 read the third time, passed and its title agreed to.

Mr. Franks, from Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 11, have had the same under consideration, and I am instructed to report the following substitute for said bill, and recommend its pasage.

FRANKS,
For committee.

Report and bills passed to orders of the day.

Mr. Morris, Chairman *pro tem.* of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
Austin, July 20, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 278, entitled "A Bill for an act granting right of way to the Thirty-fifth Parallel Railroad Company," having carefully examined said bill, would respectfully propose the following amendments thereto, viz:

In section third, line ten, commencing with word "for," strike out the words "for a term of ten years after said road is so built,

equipped and run in this State," and insert in lieu thereof the words "until its completion through this State."

In section four, add to the end thereof the following: "Provided that no grant of lands or money is by this clause intended to be or shall at any time hereafter be asked for by said company."

Strike out the whole of section five.

In section sixth, line three, strike out the word "fifty" and insert in place thereof the words "twenty-five," and in line five of the same section strike out the word "five" and insert in place thereof the word "three," and with these amendments your committee would report favorably upon said bill, and recommends its passage.

Very respectfully,

C. D. MORRIS,
Chairman *pro tem.* of Committee.

Report and bill passed to orders of the day.

Mr. Grothaus, Chairman of Committee on Immigration, submitted the following reports:

COMMITTEE ROOM,
Austin, July 20, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Immigration, to whom was referred House bill No. 192, after having duly considered, beg leave to report back the same with the recommendation that it be laid on the table.

Very respectfully,

F. E. GROTHAUS,
Chairman of Committee.

COMMITTEE ROOM,
Austin, July 20, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Immigration, to whom was referred House bill No. 429, entitled "An Act to incorporate the Colorado Valley, Immigration Company, having duly considered, beg leave to report back the same with the following amendments, to-wit:

In section four, line two, insert after the word "each" the word "male," and after the word "immigrant," in same line, insert "between the ages of fourteen and forty years."

Also, in section six, line five, insert after the word "each" the word "male," and after the word "immigrant," in same line, insert "between the ages of fourteen and forty years."

In section seven strike out the word "ten," and insert "seven."

With which amendments your committee recommend the passage of the bill.

Very respectfully,
F. E. GROTHAUS,
Chairman of Committee.

Reports and bills passed to orders of the day.

Mr. Grothaus also submitted the following report:

COMMITTEE ROOM,
Austin, July 20, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Immigration, to whom was referred a petition or proposition by S. M. Swenson, of the city of New York, to furnish maps of the several counties in this State, beg leave to say that the General Land Office will be able hereafter to furnish, through the photographical branch of that institution, maps of every county of this State at a very low price, cheaper in fact than any outside party could furnish the same; wherefore your committee recommend that the petition be laid upon the table.

Very respectfully,
F. E. GROTHAUS,
Chairman of Committee.

Petition laid on the table.

Mr. Slaughter, Chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,
July 20, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives.:

Your Committee on Finance have the honor to report herewith an act, to be entitled "A general assessment law," and recommend that two hundred copies of the same be peinted for the use of the House and Senate.

While the bill is a very voluminous one, it must be remembered that the tax law of ours has hitherto been very inadequate, and a less voluminous document could not be drawn to cover the whole case.

Your committee find it but their duty to mention the very kind assistance of the various heads of departments, the Comptroller, Treasurer and Secretary of State have labored hard in assisting to prepare this bill and the act lately presented by the committee, entitled "An Act to levy taxes."

The Secretary of the State is now preparing a bill for the same purpose as the one herewith presented, upon which he has expended

much labor, and when completed it may be considered by the House as preferable.

G. H. SLAUGHTER,
Chairman.

Report and bill passed to orders of the day.

Two hundred copies of report and bill ordered printed.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, Texas, July 21, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 439, giving to the police court of Karnes county authority to levy and collect a special *ad valorem* tax for the purpose of completing their jail and courthouse, have had the same under consideration, and ask to report that upon examination they find that said bill is one of merit; your committee, therefore, return said bill, and most respectfully ask that do pass.

COOPER,
Chairman.

Report and bill passed to orders of the day.

Mr. Cooper moved a suspension of the rules to take up out of its regular order House bill No. 439, to be entitled "An Act to authorize the police court of Karnes county to levy and collect a special tax for the purpose of completing the courthouse and jail now in process of construction in said county."

Rules suspended, bill read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Cooper the rules were further suspended, House bill No. 439 read the third time, passed and its title agreed to.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, also submitted the following reports:

COMMITTEE ROOM,
Austin, Texas, July 21, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 243, entitled "An Act changing the name of San Patricio county, and for other purposes," have duly examined and considered the same, together with the able protest of a number of the citizens of said county; and also a protest from the county authorities and citizens of Refugio county, to the effect that the passage of the bill would destroy the organization of said Refu-

gio county; hence, your committee are of the opinion that it is inexpedient to pass said bill, and, therefore, respectfully return it to the House and ask its rejection.

COOPER,
Chairman.

COMMITTEE ROOM,
Austin, Texas, July 21, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Bounndaries, to whom was referred the petition of the citizens of Refugio county, praying for the removal of the county seat of said county to the town of St. Marys; and also the petition of the citizens of Rockfort and adjacent territory, asking for the dismemberment of that portion of Refugio county, and its attachment to the county of San Patricio, with a view to the location of the county seat of said county at Rockport. With the foregoing, your committee have also considered a protest from the citizens of San Petricio county, setting forth numerous and forcible reasons why no change in their present county boundaries should be made. Your committee have also had under consideration an able protest, signed by the county authorities and many citizens of Refugio county, against the cutting off of Rockport from said county, in which it is shown that by such cutting off of said town of Rockport, "nearly one-half of the population of Refugio county goes with it," and that they are thereby "in great danger of losing their county organization."

Your committee have had much difficulty in coming to any conclusion in the solution of the problem under consideration, but in view of all the facts set forth in the various petitions and protests they have been called upon to examine, they unanimously recommend that there be no changes made in any of the county lines, and inasmuch as the county of Refugio has no public buildings except an old, dilapidated courthouse, and is compelled to erect the proper buildings at the earliest practicable moment; and in view of the further fact that the late constitutional convention did, by an ordinance or declaration, locate the county seat of Refugio county at the town of St. Marys, which your committee believe to be the most accessible point for the majority of the citizens of Refugio than any other point in said county; and in view of the further fact that all the counties in the State having no suitable public buildings are required, by law, to speedily erect the same; and whilst your committee are fully impressed with the correctness of the great fundamental principle of settling all such vexed questions by the people at the ballot box, yet

from the numerous petitions and protests, which they have been called upon to investigate and consider, your committee believe that they have arrived at an expression of opinion on the part of a majority of the citizens of Refugio county in favor of the permanent location of their county seat at the town of St. Marys; hence, they beg leave to report the accompanying bill and ask its passage, believing that in this recommendation your committee have consulted the wishes and convenience of a large majority of the citizens of Refugio county.

COOPER,
Chairman.

Reports and bills passed to orders of the day.

Mr. Grothaus moved a suspension of the rules to take up, out of its regular order, a bill (House Bill 441) to be entitled "An Act for the permanent location of the county seat of Refugio county."

Rules suspended and the bill read the first time.

Mr. Grothaus moved a further suspension of the rules to put the bill on its second reading.

Rules suspended, House bill No. 441 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Grothaus the rules were further suspended, House bill No. 441, read the third time, passed and its title agreed to.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 414, entitled "An Act to incorporate the town of Rockport, in Refugio county," having had the same under consideration, respectfully return said bill with the following amendments:

Section second, second line, insert after the word "mayor," the words "and five aldermen;" in third line, same section, after the word "Rockport," strike out all the words in the following four lines down to and including the word "alderman," and insert the words "who shall hold their offices until the next general election, unless otherwise provided for by law;" same section, in eighth line, strike out the word "selected" and insert the word "elected;" in ninth line strike out the words "from their own body."

Section third, after the words "section third," strike out the whole of said section, and insert in lieu thereof the following, to-wit: "That the said mayor shall, immediately preceding the expiration of his

term of office, give ten days' notice for the election of one mayor, five aldermen, one constable and one assessor and collector for said corporation, which said officers shall hold their respective offices for the term of one year, and an election shall be held annually thereafter for officers of said corporation.

Section fifth, in fourth line, after the word "corporation," insert the words "for the space of sixty days."

And as thus amended, your committee recommends its passage.

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. Morris moved a suspension of the rules to take up, out of its regular order, House bill No. 414, to be entitled "An Act to incorporate the town of Rockport, in Refugio county."

Rules suspended and bill read the second time.

The following amendments, recommended by Committee on Town and City Corporations, were adopted:

Section second, second line, insert after the word "mayor" the words "and five aldermen;" in third line, same section, after the word "Rockport," strike out all the words in the following four lines, down to and including the word "Alderman," and insert the words "who shall hold their offices until the next general election, unless otherwise provided by law." Same section, in eighth line, strike out the word "selected," and insert the word "elected." In ninth line strike out the words "from their own body." Section third, after the words "section third," strike out the whole of said section, and insert in lieu thereof the following, to-wit:

"That the said mayor shall, immediately preceding the expiration of his term of office, give ten days' notice for the election of one mayor, five aldermen, one constable, and one assessor and collector for said corporation, which said officers shall hold their respective offices for the term of one year; and an election shall be held annually thereafter for officers of said corporation."

Section five, in fourth line, after the word "corporation," insert the words "for the space of sixty days."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Camp the rules were further suspended, House bill No. 414, read the third time, passed, and its title agreed to.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
July 21, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee to whom House bills Nos. 53, 147, 407,

410, and 437, have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Respectfully,

STOCKBRIDGE,
Chairman.

Report accepted.

Mr, Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

Your Committee on Enrolled Bills instruct me to report that they have examined House bill No. 7, and House bill No. 183, and find the same correctly enrolled.

Respectfully,

ROBINSON,
Chairman.

Report accepted. Enrolled bills signed by the Speaker, and sent to the Senate for the signature of the President of the same.

Mr. Grothaus, chairman of select committee, submitted the following report:

COMMITTEE ROOM,
Austin, July 20, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your select committee to whom was referred House bill No. 92, "An Act entitled an act to regulate the intercourse between the sexes, having had the same under consideration, beg leave to submit the following report:

The bill No. 92 originally introduced by the honorable member from Caldwell, Mr. A. Dorris, covering the whole ground with great precision and circumspection, your committee would have reported back the same with the recommendation that it do pass, if it had not been for its extremely severe and rigid tendency; which, in the opinion of your committee, is ill-timed at the present day, and uncalled for, considering the good morals of our population generally, wherefore they submit the accompanying substitue, and ask to be discharged from further consideration of the subject.

Very respectfully,

T. E. GROTHAUS,
Chairman select committee bill No. 92.

Report, bill and substitute passed to orders of the day.

Mr. Slaughter moved that the report be accepted, and the Committee discharged from further consideration of the subject; upon which motion the yeas and nays were called for by Messrs. Morrison, R. Allen and Dupree, and resulted as follows:

Yeas—Messrs. Austin, Abbott, of Austin, Abbott, of Hill, Becton, Burly, Burnett, Chambers, Cooper, Cotton, Camp, Dupree, Dorris, Ellis, Gaston, Gardiner. Grothaus, Hughes, Hamilton, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Lyons, Morrison, Manning, Moore, of Harrison, McLean, Mullins, Moore, of Red River, Posey, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Williams, of Walker, Williams, of Colorado, York, Zapp, Zoeller—54.

Nays—Messrs. Richard Allen, Bonner, Harn, Haswell, Hawkins, Leonard, Locke, McKee, of Guadalupe, Medlock, Weaver, of Hunt—10.

So the report was accepted, and the Committee discharged.

The Chief Clerk was dispatched to the Senate with House bills Nos. 147, 407, 410 and 437.

On motion of Mr. Slaughter, the special order was postponed for five minutes.

Mr. Slaughter offered the following resolution:

WHEREAS, The rapid accumulation of business in the Clerk's office renders the employment of additional clerks absolutely necessary; therefore be it

Resolved, That the Chief Clerk be and he is hereby authorized to employ two or more clerks to assist in engrossing and enrolling House bills.

Resolution read the first and second times.

Mr. Sinclair moved to amend the resolution so that the committee clerks be required to report to the Chief Clerk of the House for duty as engrossing and enrolling clerks when not required by their respective committees, and that the Chief Clerk be also authorized to employ, if necessary, other clerks to assist in engrossing and enrolling bills.

Amendment adopted.

The question recurring on the adoption of the resolution, as amended, it was adopted.

On motion of Mr. Locke, the special order was further postponed for fifteen minutes.

Mr. Plumley moved a suspension of the rules to take up out of its regular order a bill to be entitled "An Act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Rail-

way Company, Southern Branch," and make it the special order for 9:30 A. M., Monday next; upon which motion the yeas and nays were called for by Messrs. Harn, Robinson and C. L. Abbott, and resulted as follows:

Yeas—Messrs. Austin, Bonner, Cooper, Camp, Davis, Ellis, Gaston, Johnson, Jenkins, Lacy, Lane, Leonard, Locke, Moore of Harrison, Morris, McLean, Posey, Plumley, Robb, Ross, Schlickum, Simmons, Sinclair, Slaughter, Stirman, Shelburne, Tinsley, Weaver of Hunt, Weaver of Johnson, York—30.

Nays—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Burley, Booty, Burnett, Chambers, Cotton, Dorris, Gardiner, Grothaus, Hughes, Harn, Hamilton, Kyle, Kendall, Lyons, Manning, McKee of Guadalupe, Mullins, Medlock, Pierson, Prissick, Robinson, Schlotman, Schutze, Sheriff, Smyth, Stockbridge, Tegener, Williams of Walker, Williams of Colorado, Zapp, Zoeller—35.

So the House refused to suspend the rules.

A message was received from the Senate announcing that that body had passed House bills Nos. 19, 371, 322, 323, 386 and 421; also transmitting substitute for Senate bill No. 23, and Senate bills Nos. 186, 196, 201 and 202, asking the concurrence of the House in the same; also announcing that the Senate had concurred in House amendments to Senate bill No. 14.

The time for which the special order had been postponed having expired, House bill No. 422. to be entitled, "An Act for the relief of the estate of Thomas J. Chambers, deceased," was, on motion of Mr. Camp, postponed and made the special order for ten o'clock, A. M., Friday next, in committee of the whole House.

Mr. Slaughter moved a suspension of the rules to take up out of its regular order Senate bill No. 202, to be entitled, "An Act authorizing and requiring the Commissioner of the General Land Office to issue patents on certain settlers' claims of one hundred and sixty acres of land each, on payment of usual office fees, and fifty cents per acre."

Rules suspended and Senate bill No. 202 read the first time.

On motion of Mr. Hughes the rules were further suspended, Senate bill No. 202 read the second time and ordered to be read the third time.

On motion of Mr. Hughes the rules were further suspended, Senate bill No. 202 read the third time, passed and its title agreed to.

Mr. Chambers moved a suspension of the rules to take up out of its regular order House bill No. 331, to be entitled, "An Act to

incorporate the Liberty county, Texas, Agricultural, Mechanical and Blood Stock Association."

Rules suspended, and House bill No. 331 read the second time.

The following amendment, recommended by Committee on Agriculture and Stock Raising, was adopted:

Amend section two, line fifteen, after the word "State" insert "provided nothing herein contained shall infringe upon the rights of patentees."

House bill No. 331 was then ordered to be engrossed and read the third time.

On motion of Mr. Cooper, the rules were further suspended.

House bill No. 331 read the third time, passed and its title agreed to.

Mr. Jenkins moved a suspension of the rules to take up out of its regular order House bill No. 260, to be entitled "An Act to incorporate the town of Gatesville."

Rules suspended and House Bill No. 260 was read the second time.

The following amendments, recommended by Committee on Town and City Corporations, were adopted:

Section third, second line, after the word "constitution" add the words "and laws of the State."

Section fifth, second line, after the word "constitution" add the words "and laws;" in eighth line of said section, after the word "corporation," strike out the following, to-wit: "and own real estate therein," and in tenth line, after the word "constitution," add the words "and laws."

Section tenth, third line, after the word "passage" add the following: "subject to the provisions of an act entitled 'An Act authorizing the Governor to appoint certain officers to fill vacancies,' passed by this Legislature."

The bill was then ordered to be engrossed and read the thir time.

A message was received from the Senate transmitting enrolled bill to be entitled "And Act to incorporate the City Bank of Houston," which was presented to the Speaker, signed by him and returned to the Senate.

On motion of Mr. Camp, the rules were further suspended.

House bill No. 260 read the third time, passed and its title agreed to.

Mr. Slaughter offered the following resolution:

Resolved, That rule seventy-seven of this House be and is hereby rescinded.

Mr. B. F. Williams moved to lay the resolution on the table:

Upon which motion the yeas and nays were called for by Messrs. Slaughter, Grothaus and R. L. Moore, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Richard Allen, Abbott of Hill, Becton, Burley, Burnett, Bonner. Chambers, Cooper, Cotton, Davis, Dorris, Franks, Gardiner, Harn, Hamilton, Jenkins, Kyle, Kendall, Lane, Leonard, Lyons, Moore of Harrison, McLean, McKee of Guadalupe, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robinson, Schlotman, Sheriff, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Weaver of Hunt, Weaver of Johnson, Williams of Colorado—42.

Nays—Messrs. H. R. Allen, Booty, Camp, Dupree, Gaston, Grothaus, Haswell, Johnson, Lacy, Morris, Mullins, Posey, Ross, Schlickum, Simmons, Sinclair, Tegener, Tinsley, Williams of Walker, Zoeller—20.

So the resolution was laid on the table.

Mr. Slaughter moved to reconsider the vote just taken.

Mr. Franks moved to lay the motion to reconsider on the table; upon which motionthe yeas and nays were called for by Messrs. Sinclair, Zoeller and R. Allen, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Davis, Dorris, Franks, Gardiner, Harn, Hamilton, Hawkins. Jenkins, Kyle, Kendall, Lane, Leonard, Lyons, Manning, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Medlock, Plumley, Prissick, Robinson, Schlotman, Sheriff, Smyth, Stirman, Stockbridge, Shelburne, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado—44.

Nays—Messrs. Bonner, Camp, Dupree, Gaston, Grothaus, Hughes, Haswell, Johnson, Lacy, Mullins, Moore of Red River, Posey, Pierson, Ross, Schlickum, Simmons, Sinclair, Slaughter, Tegener, Tinsley, Zapp, Zoeller—22.

So the motion to reconsider was laid on the table

A message was received from the Senate announcing that the President of the Senate had signed in open session enrolled bill to be entitled "An Act legalizing a special tax levied by military order," and enrolled bill to be entitled "An Act to authorize district judges and district clerks to approve bonds of county officers in certain cases."

The hour arrived for the consideration of business as provided for in resolution adopted July second, substitute for House bill No. 125, to be entitled "An Act to establish public schools within the State of Texas," was taken up.

Mr. B. F. Williams moved a call of the House. Call sustained.

Absent—Messrs. Locke, Morrison, Miller, Posey and Zapp.

Messrs. George and Morris were excused from attendance on account of sickness.

On motion of Mr. Slaughter the House resolved itself into Committee of the Whole for the consideration of the substitute.

[Mr. Slaughter in the chair.]

11:45 A. M.

House resumed. Speaker in the chair.

A message was received from the Senate announcing that that body had passed House bill No. 146, to be entitled "An Act legalizing the acts of the police court of Goliad county in acting under the acts of the Legislature of 1866."

Committee of the Whole resumed.

[Mr. Slaughter in the chair.]

12:25 P. M.

The committee rose. The chairman reported progress and asked leave for the committee to sit again at 11 o'clock A. M. to-morrow.

Report accepted and leave granted for the committee to sit again at 11 A. M. to-morrow.

On motion of Mr. Plumley the rules were suspended to take up bills on their third reading.

Mr. C. L. Abbott moved that the House adjourn until 9 A. M. to-morrow.

Lost.

Mr. Hawkins moved that the House adjourn until the usual hour this evening.

Lost.

House bill No. 44, to be entitled "An Act to incorporate the Firemen's Insurance Company of Galveston," read the third time, passed, and its title agreed to.

House bill No. 24, to be entitled "An Act to authorize John Ferrill and J. J. T. Wright to keep a ferry on Big Cypress Bayou," read the third time, passed, and its title agreed to.

House bill No. 53, to be entitled "An Act to incorporate the Jefferson Insurance Savings and Exchange Company," read the third time, passed and its title agreed to.

Mr. Austin moved that the House adjourn.

Lost.

House bill No. 164, to be entitled "An Act to incorporate the Society Los Indisolubles of the city of San Antonio," read the third time.

On motion of Mr. Plumley the following words were stricken out of section three of the bill: "and alter and change the same at pleasure."

The bill then passed and its title was agreed to.

Mr. Schutze offered the following resolution:

Resolved, That the use of the passage between the entrance doors of the Senate and House of Representatives and the basement hall of the capitol, be granted to the colored members of the Baptist Church, on Thursday night, July 28, 1870, for the purpose of giving a supper in aid of the erection of a church edifice.

Resolution read first and second times, and on motion of Mr. Chambers it was adopted.

On motion of Mr. Schutze the House at 12:50 P. M. adjourned until the usual hour to-morrow morning.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 22, 1870.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called. Quorum present.

On motion of Mr. Cooper the reading of yesterday's journal was dispensed with.

The Speaker and Mr. Sinclair presented petitions, signed by members of the bar of the city of Galveston, asking that the powers and duties of district clerks, in reference to probate matters, be defined.

The petitions were read and laid on the table; a bill already having been reported on the subject.

Mr. Camp presented a petition from the citizens of Rockport in relation to the improvement of Aransas Pass.

Petition read and referred to Committee on Commerce and Manufactures.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following reports:

COMMITTEE ROOM,
Austin, July 22, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 413, entitled "An Act to incorporate the Jefferson Steam Fire Company No. 1, of the city of Jefferson," having had said bill under careful consideration, respectfully return the same with the recommendation that it do pass.

C. D. MORRIS,
Chairman of Committee.

COMMITTEE ROOM,
Austin, July 22, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred the petitions of citizens of the town of Springfield, in Limestone county, asking for the incorporation of said town, respectfully return a bill entitled "An Act to incorporate the town of Springfield in Limestone county," and recommend the passage of the same.

C. D. MORRIS,
Chairman of Committee.

Reports and bills passed to orders of the day.

By leave Mr. Locke presented a petition signed by citizens of Medina county, protesting against the passage of an act to annex a portion of Bexar county to their county.

Petition read and referred to Committee on Counties and County Boundaries.

Mr. Youngkin, Chairman of Committee on Roads, Bridges and Ferries, submitted the following reports:

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 431, entitled, "An Act to authorize John B. Strickland and Douglass Pickett to establish a ferry across Big Cypress creek, in the counties of Upshur and Titus," having had the same under consideration, beg leave to report back the same, with the recommendation that it do pass.

Respectfully,

YOUNGKIN,
Chairman.

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred a petition of the citizens of Harrison county, praying for the gratuitous crossing of certain persons across Little Cypress Bayou, in said county, having had the same under consideration, beg leave to report back the same, with the recommendation that the same be not granted.

Respectfully,

YOUNGKIN,
Chairman.

House bill No. 431 and accompanying report passed to orders of the day, and petion laid on the table.

Mr. Stockbridge, Chairman of Committee on Engrossed bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 21, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your committee, to whom House bills Nos. 41, 46, 49, 51,

64, 65, 86 and 441 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Gardiner introduced a bill, to be entitled "An Act to incorporate the Hebrew Benevolent Association of the city of Bryan."

Bill read first time and referred to Committee on State Affairs.

Mr. Hughes introduced a bill, to be entitled "An Act to provide for the issuance and disposition of the bonds of the State to meet expenditures incurred for frontier protection."

Bill read the first time and passed to orders of the day.

Also, a bill to be entitled "An Act making an appropriation for frontier protection."

Bill read the first time and referred to Committee on Finance.

Also, a bill, to be entitled "An Act supplementary to an act to incorporate the Victoria and Columbia Railroad Company," approved November 13, 1866.

Bill read the first time and referred to Committeee on Internal Improvements.

Mr. Mullins introduced a bill to be entitled "An Act to incorporate the Waco Gas Light Company."

Bill read first time and referred to Committee on Town and City Corporations.

Mr. Sinclair introduced a bill to be entitled "An Act providing for the appointment of public weighers of cotton at important points within the State of Texas, and prescribing the fees and duties thereof."

Bill read the first time and referred to Committee on Commerce and Manufactures.

Also, a bill to be entitled "An Act for the relief of Firemen from serving on juries and militia duty."

Bill read the first time and referred to the Judiciary Committee.

Mr. Gardiner introduced a bill to be entitled "An Act to incorporate the town of Millican, county of Brazos."

Bill read the first time and referred to Committee on Town and City Corporations.

Mr. R. Williams introduced a bill to be entitled "An Act to incorporate and aid the Agricultural, Mechanical and Normal Uuniversity of Harmony in Walker county, Texas."

Bill read the first time and referred to Committee on Agriculture and Stock Raising.

Mr. Stockbridge introduced a bill to be entitled "An Act to prohibit the sale of intoxicating liquors in the neighborhood of Baylor University."

Bill read the first time and referred to Committee on Education.

Mr. Pierson introduced a bill to be entitled "An Act for the relief of Macklin S. Stith, and of Robert Mills and David G. Mills.

Bill read the first time and referred to Committee on Public Debt.

Mr. Schlotman introduced the following entitled bills, which were read the first time and referred to the Judiciary Committee:

"An Act creating the office of county attorney, and providing for the appointment of the same."

"An Act to repeal an act regulating contracts for labor."

Mr. Becton introduced a bill to be entitled "An Act to incorporate the town of Sulphur Springs, in Hopkins county."

Bill read the first time and referred to Committee on Town and City Corporations.

Mr. Schlickum moved a suspension of the rules to take up out of its regular order House bill No. 352, to be entitled "An Act to define, establish and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces."

Rules suspended, and House bill No. 352 was read the second time.

The following amendment, recommended by Committee on Counties and County Boundaries, was adopted:

In section five strike out all after the word "charge" in the seventh line and insert the following: "three dollars per mile."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Tegener the rules were further suspended, House bill No. 352 read the third time, passed and its title agreed to.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
July 22, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

Your Committee on Enrolled Bills instruct me to report that they have examined House bills Nos. 68, 146 and 405, and find the same correctly enrolled.

ROBINSON,
Chairman.

Report accepted.

Enrolled bills were signed by the Speaker and sent to the Senate for signature of the President of the same.

Mr. Hughes moved a suspension of the rules to take up out of its regular order House bill No. 442, to be entitled "An Act to provide for the issuance and disposition of the bonds of the State to meet expenditures incurred for frontier protection."

Rules suspended and House bill No. 422 was read the second time.

On motion of Mr. Burnett the bill was referred to Committee on Finance.

Mr. Posey moved a suspension of the rules to take up out of its regular order House bill No. 212, to be entitled "An Act to incorporate and grant a new charter to the town of Georgetown, and repeal an act approved September 26, 1866, entitled 'An Act to incorporate the town of Georgetown, in Williamson county, Texas.'"

Rules suspended and House bill No. 212 read the second time.

Mr. Burnett moved to amend section nine by striking out all of said section, to include the word "duties," and inserting in lieu thereof the following: "The Governor shall appoint a mayor and aldermen of said corporation, who shall hold their offices respectively until the next general election, or until otherwise provided by law."

Amendment adopted.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Harn the rules were further suspended, House bill No. 212 read the third time, passed, and its title agreed to.

The hour having arrived for the consideration of House bill No. 422, to be entitled "An Act for the relief of the estate of Thomas J. Chambers, deceased," on motion of Mr. Camp it was postponed to allow him to offer the following resolution:

Resolved, That the Speaker appoint a committee of five, to cooperate with the special committee of the Senate, to prepare a public school bill, and report at their earliest convenience the result of their deliberations.

Resolution read first and second times.

Mr. R. Allen moved to strike out the word "five" and to insert in lieu thereof the word "nine."

On motion of Mr. Franks the amendment was laid on the table.

The question recurring on the adoption of the resolution, it was adopted.

Mr. Dorris moved a suspension of the rules and further postponement of the special order to take up out of its regular order House bill No. 92, to be entitled "An Act to prevent unlawful intercourse between the sexes," and substitute therefor.

Rules suspended and substitute for House bill No. 92 read and adopted in lieu of the original bill.

Mr. Slaughter moved to lay the bill on the table, upon which motion the yeas and nays were called for by Messrs. Dorris, Williams of Walker and Williams of Colorado, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Bector, Booty, Bonner, Chambers, Camp, Davis, Ellis, Franks, Gaston, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Manning, Morrison, Moore of Red River, Posey, Pierson, Robb, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Tegener, Weaver of Hunt, Weaver of Johnson, York, Zapp, Zoeller—38.

Nays—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Burley, Burnett, Cooper, Cotton, Dupree, Dorris, Gardiner, Grothaus, George, Hamilton, Kendall, Locke, Moore of Harrison, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlotman, Smythe, Shelburne, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin—32.

So the bill was laid on the table.

Mr. R. L. Moore moved to reconsider the vote just taken, and to lay the motion to reconsider on the table, upon which motion the yeas and nays were called for by Messrs. Burnett, Dorris and Robinson, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Booty, Bonner, Chambers, Cooper, Camp, Davis, Ellis, Franks, Gaston, Gardiner, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Manning, Moore of Red River, Posey, Pierson, Robb, Ross, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Stirman, Tegener, Weaver of Hunt, Weaver of Johnson, York, Zapp, Zoeller—37.

Nays—Messrs. Abbott of Austin, R. Allen, Burley, Burnett, Cotton, Dupree, Dorris, Grothaus, George, Hamilton, Kendall, Locke, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlotman, Smyth, Stockbridge, Shelburne, Williams of Walker, Williams of Colorado, Young, Youngkin—30.

So the motion to reconsider was laid on the table.

By leave, Mr. Schutze, Chairman of Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, who have been intrusted with the examination of the State Deaf and Dumb Asylum, have examined the grounds and buildings of said institution, and find the

same in excellent order and condition; but the buildings are all of wood, and were on the ground at the time of purchase; they have, from time to time, been added to, as the wants of the institution demanded.

Keeping in view the rapid increase of our population, as well as the extension of our railway lines, which greatly facilitates the travel of pupils from remote portions of the State, which hitherto has been no small obstacle to their coming to the asylum, and also, that the necessary expenses incurred annually for keeping the old buildings in repair and making extensions may be saved, it is recommended by your committee, that provision be made for the erection of a substantial stone building, having all the latest improvements and accommodations for such an institution.

Your committee therefore respectfully ask that the Committee on Finance be instructed to take into consideration the propriety of recommending an appropriation of a sum not exceeding fifty thousand dollars for the erection of a suitable building, one that would accord with the demands and redound credit upon this great State.

Very respectfully,
JULIUS SCHUTZE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 390, entitled "An Act to incorporate the Texas Land Company," have examined the same, and beg leave to report it back, recommending its passage.

Very respectfully,
JULIUS SCHUTZE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, July 19, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 389, entitled "An Act to incorporate the Land Owners' Association of Texas, have had the same under due consideration, and report it back, recommending its passage.

Very respectfully,
JULIUS SCHUTZE,
Chairman of Committee.

COMMITTEE ROOM,
July 19, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 311, entitled "An Act to incorporate the Mutual Aid Society of the City of Houston," have examined the same, and beg leave to report it back, with the recommendation that it pass.

Very respectfully,
JULIUS SCHUTZE,
Chairman of Committee.

Reports and bills passed to orders of the day.

A message was received from the Senate announcing that the President of the same had signed in open session enrolled bill entitled "An Act to prescribe the time of the annual meeting of the Legislature;" enrolled bill entitled "An Act reviving the act incorporating the Galveston Dry Dock Company, and the subsequent laws in relation thereto, approved February 16, 1852, February 7, 1853 and February 8, 1858," and enrolled bill entitled "An Act legalizing the acts of the police court of Goliad county in acting under the acts of the Legislature of 1866."

By leave, Mr. Plumley, Chairman of Committee on Commerce and Manufactures, submitted the following reports:

COMMITTEE ROOM,
Austin, July 22, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referted House bill No 418, "An Act to incorporate the Galveston Hotel Company," respectfully report the same and recommend its passage.

Respectfully,
PLUMLEY,
Chairman.

COMMITTEE ROOM,
Austin, July 22, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR; Your Committee on Commerce and Manufactures, to whom was referred House bill No. 406, "An Act to incorporate the Texas

Homestead and Building Association," respectfully report the same and recommend its passage.

Respectfully, PLUMLEY,
Chairman.

COMMITTEE ROOM,
July 22, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 358, "An Act to incorporate the Beans' Wharf, Warehouse and Cotton Compress Company of the city of Galveston," respectfully report the same and recommend its passage.

Respectfully,
PLUMLEY,
Chairman.

COMMITTEE ROOM,
Austin, July 22, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 332, "An Act to incorporate the Germania Club of the city of Galveston," respectfully report the same and recommend its passage.

Respectfully, PLUMLEY,
Chairman.

COMMITTEE ROOM,
Austin, Texas, July 22, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your committee, to whom was referred House bill 303, "An Act to incorporate the Washington County Banking and Insurance Company," respectfully report the same, and recommend its passage.

PLUMLEY,
Chairman Committee on Com. and Manufacture.

COMMITTEE ROOM,
Austin, July 22, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom

was referred House bill No. 221, "An Act to incorporate the Galveston Savings Bank and Trust Company," respectfully report the same and recommend its passage.

Respectfully,

PLUMLEY,
Chairman.

Reports and bills passed to orders of the day.

Mr. R, L. Moore moved a call of the House. Call sustained.

Absent—Messrs. J. Abbott, Gaston, Grothaus, Hughes, Morris, Mitchell, Miller, Posey, Robb, Stirman, Youngkin.

Messrs. Hughes and Morris were excused on account of sickness.

Mr. Cooper moved a suspension of the rules to take up out of its regular order House bill No. 379, to be entitled "An Act to incorporate the Texas and Mexico Railway, Steamship and Telegraph Company."

Rules suspended, and on motion of Mr. Cooper House bill No. 379 was made the special order for Monday next at 10 o'clock A. M

Mr. Locke moved a suspension of the rules to take up, out of its regular order, House bill No. 392, to be entitled "An Act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal an act entitled 'An Act to incorporate the city of San Antonio,' approved July 17, 1856, and an act entitled 'An Act to amend the act to incorporate the city of San Antonio,' approved July 17, 1870."

Rules suspended, and, on motion of Mr. Locke, House bill 392 was made the special order for Wednesday next, at 10 'clock A. M.

On motion of Mr. Chambers, House bill No. 422, to be entitled "An Act for the relief of the estate of Thomas J. Chambers, deceased," was made the special order for to-morrow at 11 o'clock A. M.

The Speaker announced the following as the members of the joint committee on the part of the House, for the purpose of framing an education bill under the resolution offered by Mr. Camp, adopted this day, viz: Messrs. Camp, Sinclair, Plumley, R. Allen and Becton.

Mr. Plumley moved that four additional members be appointed on said committee.

Carried.

The Speaker appointed Messrs. Sbhutze, Harn, Chambers and Jenkins as such additional members.

On motion of Mr. R. Allen, Mr. B. F. Williams was appointed as an additional member on said committee.

Mr. Slaughter moved to adjourn.

Lost.

Mr. Robinson moved a call of the House.

Call sustained.

Absent—Messrs. Gaston, Locke, Mitchel, Miller, Pierson, Simmons, Sinclair, Stirman and Youngkin.

On motion of Mr. Grothaus the Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. R. Allen the call of the House was suspended.

The Chief Clerk was dispatched to the Senate with House bills Nos. 24, 41, 44, 46, 49, 51, 53, 64, 65, 86, 164 and 441, which have passed the House.

On motion of Mr. Austin the House, at 11:20 A. M., adjourned until the regular hour this evening.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 22, 1870.

EVENING SESSION.

8:30 o'CLOCK P. M.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. Sinclair the rules were suspended to take up the business on the Speaker's table.

Mr. George moved a suspension of the rules to take up out of its regular order House bill No. 133, to be entitled "An Act concerning the University lands."

Rules suspended and House bill No. 133 read the second time, ordered to be engrossed, and read the third time.

On motion of Mr. Grothaus the rule, requiring all bills making appropriations to be considered in Committee of the Whole, was suspended in this case.

On motion of Mr. George the rules were further suspended, House bill No. 133 read the third time, and passed by the following vote:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Richard, Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Ellis, Gaston, Grothaus, George, Hughes, Harn, Hamilton, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Pierson, Plumley, Prissick, Ross, Schlickum, Schlotman, Sheriff, Simmons, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zoeller—64.

Nays—None.

The title of the bill, after being amended to read as follows: "An Act concerning the University lands, and confirming the titles thereto," was agreed to.

Mr. McLean moved a suspension of the rules to take up out of its regular order House bill No. 254, to be entitled "An Act to incorporate the Trans-continental Railway Company."

Rules suspended, and the following Senate amendment was read:

Strike out the name of "J. W. Johnson, B. F. Williams, F. Tegener, R. Zapp, W. G. Robinson, H. W. Young, G. T. Ruby,

B. Rush Plumley, C. D. Morris, John G. Boyle, W. J. Locke and Geo. P. Buell."

Mr. Burnett moved to strike out of the amendment the name of "Geo. P. Buell," and that it remain as a part of the bill; upon which motion the yeas and nays were called for by Messrs. Becton, Posey and Hawkins, and resulted as follows:

Yeas—Messrs. Austin, Allen H. R., Allen Richard, Becton, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Grothaus, George, Hughes, Harn, Hamilton, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mitchell. Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumly, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Weaver of Johnson, Young, York, Youngkin, Zapp, Zoeller—62.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Ellis, Gaston, Hawkins, Kyle, Weaver of Hunt—7

So the name of George P. Buell was stricken out of Senate amendment.

Senate amendment as amended was then concurred in by the House.

The following Senate amendments to House bill No. 254, were then concurred in:

Amend section one, line ten, by striking out the name of "A. J. Fountain."

Amend section second as follows, to-wit: insert in line four, after the word "Arkansas," the words "at or near Texarkana."

Also insert in line five, after the words "write to," the words "or near."

Also insert in line seven after the words "Marion county," the words "in a Northerly direction."

Strike out in section second, line five, after the word "El Paso," the words "said railway line to approximate as near as practicable to what is known as the thirty-second parallel of North latitude."

Insert, "and the main line of said road shall follow, as nearly as may be practicable, the old survey of the Memphis and El Paso road."

Insert, in section three, tenth line, after words, "El Paso," "provided, that said junction shall not be with the Southern Pacific Railroad, at a point east of the twenty-third degree of west longitude from Washington."

Amend section third, line seven, by striking out the balance of the sentence after the word "property," and insert the words "and

may issue in payment thereof the paid stock of the company," provided the landholder or owner is willing to receive the same."

Section eighth, line ten, insert after the word "act," the following: "provided further, that the branch road herein authorized, shall not intersect with the Southern Pacific Railroad, east of the twenty-third degree of longitude west from Washington."

Mr. Weaver of Hunt moved a suspension of the rules to take up out of its regular order House bill No. 317, to be entitled, "An Act supplementary to the 'Act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company,' and to the other special acts relating to said company," upon which motion the yeas and nays were called for by Messrs. Posey, Harn and Hawkins, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Richard Allen, Abbott o Hill, Becton, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Camp, Dupree, Davis, Ellis, Gaston, George, Jenkins, Kendall, Lacy, Leonard, Locke, Lyons, Manning, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mitchel, Medlock, Miller, Moore of Red River, Pierson, Plumley, Prissick, Ross, Schlickum, Schlotman, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—58.

Nays—Messrs. Abbott of Austin, Hughes, Harn, Hamilton, Hawkins, Kyle, Lane, Mullins, Posey, Robinson, Stockbridge—11.

So the rules were suspended.

On motion of Mr. Locke, House bill No. 317 was made the special order for Tuesday next at 9:30 A. M.

Mr. Posey moved a suspension of the rules to take up out of its regular order Senate bill No. 75, to be entitled "An Act for the relief of the heirs of General Sam. Houston, deceased."

Rules suspended and Senate bill No. 75 read the first time.

On motion of Mr. Burnett the rules were further suspended, Senate bill No. 75 read the second time and ordered to be read the third time.

On motion of Mr. Stockbridge the rules were suspended, Senate bill No. 75 read the third time, passed, and its title agreed to.

Mr. B. F. Williams moved that the House adjourn.

Lost.

Mr. Lane moved a suspension of the rules to take up out of its regular order House bill No. 266, to be entitled "An Act to incorporate the Dallas Wire Bridge Company."

Rules suspended and House bill No. 266 read the second time.

Mr. Sinclair gave notice that he would introduce a resolution to change rule forty-six of this House.

Mr. Slaughter gave notice that he would introduce a resolution to change rule seventy-seven of this House.

Mr. Dorris moved to amend section seven of House bill No. 266, by striking out the word "may," before the words "keep a ferry," and inserting in lieu thereof the word "shall."

Mr. Harn moved to lay the amendment on the table. Lost.

Mr. Stockbridge moved that the House adjourn. Lost.

The question recurring on the adoption of the amendment offered by Mr. Dorris, it was adopted.

On motion of Mr. Hughes section seven was stricken out of the bill.

On motion of Mr. Morrison the name of "A. C. Camp was stricken out of the bill.

On motion of Mr. McLean section eight of the bill was adopted as section seven, and the following as section eight of the bill:

Section 8: That nothing herein contained shall divest any vested rights subsisting, by virtue of any charter or license, to keep a ferry; and that any private property used in carrying out the provisions of this bill shall be compensated for.

Mr. Morrison moved to strike out the name of W. H. Gaston.

Mr. Burley moved that the House adjourn until ten o'clock A. M. to-morrow.

Lost.

On motion of Mr. McLean the amendment offered by Mr. Morrison was laid on the table.

Mr. Burnett moved that the House adjourn until nine A. M. to-morrow.

Lost.

Mr. Posey moved to strike out the name of Sarah H. Cochrell as one of the incorporators.

On motion of Mr. Hughes the amendment was laid on the table.

On motion of Mr. R. Allen the further consideration of House bill No. 266 was postponed and made the special order for 9:30 A. M. to-morrow.

Mr. Schutze moved a suspension of the rules to take up out of its regular order House bill No. 294, to be entitled "An Act to incorporate the Western Narrow Guage Railway Company."

Rules suspended and the bill was made the special order for 9:30 A. M. Monday next.

Mr. Slaughter moved a suspension of the rules to take up out of its regular order House bill No. 219.

Rules suspended and House bill No. 219 was made the special order for ten o'clock A. M. Thursday next.

By leave, Mr. Abbott of Hill offered the following resolution:

Resolved, That any member of this House who shall fail to vote when called upon to rise by the Speaker, shall be fined in the sum of five dollars, to be collected by the Sergeant-at-Arms.

Resolution read the first and second times.

Mr. Posey moved that the resolution be referred to the Committee on Finance, pending which, on motion of Mr. Grothaus, the House, at eleven o'clock P. M., adjourned until the usual hour to-morrow.

HOUSE OF RERESENTATIVES,
AUSTIN, TEXAS, July 23, 1870.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. R. L. Moore the reading of yesterday's journal was dispensed with.

Messrs. Robinson and Abbott of Hill presented petitions relative to the taking of acknowledgments, etc., signed by justices of the peace and clerk of the District Court of Bowie and Freestone counties, which were read and laid on the table.

Mr. Schlickum presented a petition signed by citizens of Medina county, relative to the annexation of a portion of Bexar county to their county.

Petition read and referred to Committee on Counties and County Boundaries.

The Speaker laid before the House a petition signed by the Comptroller and Treasurer of the State relative to the repairs of the Treasury building.

Petition read and referred to Committee on Public Buildings and Grounds.

Mr. Burnett, Chairman of the Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, July 23, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary having carefully considered House bills Nos. 67, 97, 117, 122, 157 and 181, respectfully report them back with a recommendation that they be passed. All of said bills provide important and, the committee believe, necessary amendments to the Criminal Code or Criminal Procedure.

Very respectfully, BURNETT,
Chairman.

Report and bills passed to orders of the day.

Mr. Posey, from the Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, July 23, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred

House bill No. 428, entitled "An Act to legalize the organization and qualification of the county officers of Hamilton county, and to validate the acts of the same," have duly considered the same, and respectfully report it back with a recommendation that it be passed.

Very respectfully,

J. W. POSEY,
for the Committee.

Mr. Jenkins moved a suspension of the rules to take up House bill No. 428, to be entitled "An Act to legalize the organization and qualification of the county officers of Hamilton county, and to validate the acts of the same."

Rules suspended, House bill No. 428, read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Camp the rules were further suspended, House bill No. 428, read the third time and passed.

The title of the bill after being amended by striking out the word "validate," and inserting in lieu thereof the word "legalize," was agreed to.

Mr. Camp, Chairman of Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,
Austin, July 23, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee to whom was referred the petition of Mrs. Nancy Craig, beg leave to report that they have carefully examined all the evidence as shown by the documents now on file in the General Land Office, together with the various transfers, and find the facts to be substantially as follows, to-wit:

The Board of Land Commissioners for Red River county refused to issue a headright certificate for a league and labor of land to Sarah Reed, alias Sarah Burnett, and on appeal to the district court of Red River county, said court on the 26th day of March, A. D. 1840, declared that the claimant was entitled to the certificate.

By virtue of a part of said certificate a tract of two thousand three hundred and two and-a-half acres of land was located and surveyed in the name of the petitioner and her husband, John B. Craig, now deceased—that said land is situated in Hopkins county, Texas, about sixteen miles north of the town of Sulphur Springs, in said county. That part of said certificate for a league and labor of land was, for value received, transferred to petitioner's husband; the survey made and the field notes duly returned to the land office. The patent has not been issued, because the decision of the matter in the court was not obtained until after the Board of Land Commis-

sioners had ceased to exist; which was on the 29th day of January, A. D. 1840.

The survey aforesaid was made in good faith, and she and her husband settled on the land in the year 1850; have lived on and improved the same, paying tax regularly.

Your committee have carefully examined the transfers, and find them legally and regularly made to John B. Craig, deceased, the husband of the petitioner, Nancy Craig.

We are clearly of the opinion that this is a meritorious case, and that the Legislature ought to grant the relief prayed for.

The said John B. Craig being dead, leaving heirs, and said land being community property, your committee respectfully report the accompanying act and recommend its passage.

(Signed) L. B. CAMP, Chairman,
L. W. COOPER,
H. MOORE,
JNO. R. LYONS,
B. B. LACY.

Report and bills passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, July 23, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives.:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 440, entitled "An Act supplementary to and amendatory of an act entitled 'An Act supplementary to an act to incorporate the city of Corpus Christi,'" having carefully examined said bill, respectfully return the same and recommend its passage.

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 22, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your committee to whom House bills Nos. 260, 331, 352, 368, 414, 436 and 439 have been referred, having carefully ex-

amined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

STOCKBRIDGE.
Chairman of Committee.

Report accepted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 22, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

I have the honor to report that "An Act to authorize district judges and district clerks to approve bonds of county officers in certain cases;" "An Act legalizing a special tax levied by military order;" "An Act to prescribe the time of the annual meeting of the Legislature;" "An Act reviving the act incorporating the Galveston Dry Dock Company, and the subsequent laws in relation thereto;" and "An Act legalizing the acts of the police court of Goliad county in acting under the acts of the Legislature of 1866," have this day been presented to the Governor for his approval.

ROBINSON,
Chairman.

Report accepted.

Mr. Slaughter, Chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,
Austin, July 23, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Finance, to whom was referred House bills 442 and 443, concerning issuance of bonds and appropriations for frontier services, have the honor herewith to return said bills, and recommend, in view of the fact that bills covering the subject have already passed this House, that these bills be laid on the table until the Senate shall have acted upon the bills now in their body.

SLAUGHTER,
Chairman.

Reports and bills passed to orders of the day.

Mr. Plumley, Chairman of Committee on Commerce and Manufactures, reported back House bill No. 454, to be entitled "An Act to provide for the appointment of public weighers of cotton at important points within the State of Texas, and prescribing the fees

and duties thereof," and asked that the same be referred to the Committee on State Affairs.

The bill was so referred.

The hour having arrived for the consideration of the special order of the day, on motion of Mr. R. Allen it was postponed fifteen minutes.

Mr. R. Allen introduced a bill to be entitled "An Act to incorporate the Houston Furniture Factory."

Bill read the first time and referred to Committee on State Affairs.

Mr. Austin moved a suspension of the rules to take up out of its regular order House bill No. 432, to be entitled "An Act to prohibit the sale or otherwise disposing of spirituous or other intoxicating liquors within three miles of the village of Ladonia, Fannin county, Texas."

Rules suspended and House bill No. 432 read the second time.

The following amendments, recommended by the Committee on Town and City Corporations, were adopted:

In fourteenth line, section one, strike out the word "fifty" and insert "ten;" also, in same line before the words "hundred dollars" strike out the word "two" and insert "one."

In the caption before the word "miles" strike out the word "three" and insert "two;" in fifth line of section one strike out the words "or give away;" in seventh line strike out the word "three" and insert "two."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Austin the rules were further suspended, House bill No. 432 read the third time, passed and its title, as amended, was agreed to.

Mr. Franks moved that the rules be suspended to take up out of its regular order Senate bill No. 3, to be entitled "An Act authorizing Thomas M. Harwood, W. G. Belding and Charles Mason, of Gonzales county, to construct a bridge across the Gaudalupe River, near the town of Gonzales."

Rules suspended, and Senate bill No. 3 was read the second time and rejected.

Mr. Cooper moved a suspension of the rules to take up out of its regular order a bill, (House bill No. 456), to be entitled "An Act for the relief of James L. Lipscomb and John Blair."

Rules suspended and bill read the first time.

On motion of Mr. Cooper the rules were suspended, and House bill No. 456 was read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Burnett the rules were further suspended,

House bill No. 456 read the third time, passed and its title agreed to.

The time for which the special order had been postponed having expired, Mr. R. L. Moore moved that House bill No. 266, to be entitled, "An Act to incorporate the Dallas Wire Suspension Bridge Company," be recommitted to Committee on Roads, Bridges and Ferries. Lost.

Mr. Lane moved to amend House bill No. 266, by inserting the name of "J. K. P. Record" as one of the incorporators.

Carried.

Mr. Lane moved the previous question.

Previous question seconded.

The question being "Shall the main question be now put?"

The main question was ordered.

The question being on the adoption of the amendment offered by Mr. Lane, it was adopted, and the bill ordered to be engrossed and read the third time.

The hour having arrived for the consideration of House bill No. 422, to be entitled, "An Act for the relief of the estate of Thomas J. Chambers, deceased," it was postponed until the bill now under consideration is disposed of.

On motion of Mr. Slaughter the rules were further suspended, House bill No. 266 read the third time, passed, and its title agreed to.

A messenger was dispatched to the Senate with House bills Nos. 331, 260, 352, 414, 439, 368 and 436, and Senate bill No. 75, which have passed the House, also with Senate bill No. 3, which the House has rejected.

A message was received from the Senate, transmitting enrolled Senate bill, to be entitled, "An Act authorizing and requiring the Commissioner of the General Land Office to issue patents on certain settlers' claims of one hundred and sixty acres of land each, on payment of usual office fees, and fifty cents per acre," and Senate enrolled bill, to be entitled, "An Act to organize and define the powers of the criminal district court, in and for the counties of Galveston and Harris, and to prescribe the duties thereof," which were presented to the Speaker, signed by him in open session, and returned to the Senate.

By leave Mr. Morris, Chairman of Committee on Public Buildings and Grounds, submitted the following report:

COMMITTEE ROOM,
Austin, July 23, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Public Buildings and Grounds, to whom

was referred a communication from the Comptroller and the Treasurer of the State, asking for "an appropriation of $1500 for the purpose of placing a new roof on the treasury building," would respectfully recommend that the appropriation be made, and herewith report a bill and ask the passage of the same.

JOHNSON,
Chairman.

Report and bill passed to orders of the day.

Special order resumed.

House bill No. 422, to be entitled "An Act for the relief of the estate of Thomas J. Chambers, deceased," was read the first time.

On motion of Mr. Chambers the rules were suspended and House bill No. 422 read the second time.

On motion of Mr. Slaughter the House resolved itself into Committee of the Whole for the consideration of the bill.

[Mr. Slaughter in the chair.]

10:40 A. M.

The committee rose. The chairman reported progress, and asked that the committee be discharged from further consideration of the bill.

Report accepted and committee discharged.

The question recurring on the adoption of the following amendment adopted by Committee of the Whole House, it was adopted:

Amendment: In line nine, after the word "or," insert "certified"; also, in line nine, after the word "administratrix," insert, "from the clerk of the district court of Galveston county, together with his certificate, that the said administratrix has filed in said district court a new bond as administratrix, that shall be good and sufficient, under the law, to cover and protect the aforesaid appropriation and the balance of the estate of the said T. J. Chambers in the hands of said administratrix."

A messenger was dispatched to the Senate, announcing to that body that the House had agreed to Senate amendments to House bill No. 254, entitled "An Act to incorporate the Southern Trans-Continental Railway Company," except so much of the same as strikes out the name of "Geo. P. Buell" as one of the incorporators.

Mr. Burnett offered a substitute for House bill No. 422, which was read.

The hour having arrived for the consideration of business as provided for by resolution adopted July second, on motion of Mr. Burnett it was postponed until the business now under consideration is disposed of.

Mr. Abbott of Hill moved a call of the House.

Call sustained.

Absent—Messrs. McLean, Burley, Manning, Davis, J. F. McKee, Robinson and Ross.

Messrs. McLean, Burley, Manning, Davis, and J. F. McKee were excused from attendance.

On motion of Mr. Grothaus the call of the House was suspended.

A message was received from the Senate announcing that the Senate had receded from its action in striking out the name of "George P. Buell" as one of the incorporators of House bill No. 254, entitled "An Act to incorporate the Southern Trans-Continental Railway Company."

Also, transmitting Senate bills Nos. 59, 90, 139, 145, 169 and 200, and substitute for Senate bill No. 258, asking the concurrence of the House in the same.

Senate bills passed to orders of the day.

Mr. Hughes moved to lay on the table substitute for House bill No. 422, upon which motion the yeas and nays were called for by Messrs. York, Slaughter and Burnett, and resulted as follows:

Yeas—Messrs. H. R. Allen, Booty, Chambers, Cooper, Cotton, Camp, Ellis, Franks, Hughes, Harn, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lacy, Morrison, Moore of Harrison, Mitchel, Mullins, Posey, Plumley, Robb, Schutze, Simmons, Sinclair, Slaughter, Stockbridge—29.

Nays—Messrs. Austin, Abbott of Austin, R. Allen, Abbott of Hill, Burnett, Bonner, Dupree, Dorris, Gaston, Grothaus, George, Kendall, Lane, Leonard, Locke, Lyons, Morris, Medlock, Moore of Red River, Prissick, Schlickum, Schlotman, Smyth, Stirman, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—36.

So the House refused to lay the substitute on the table.

Mr. Hughes moved to amend the substitute by striking out of section one all from the fifteenth to the twenty-second line, inclusive.

Mr. Burnett moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Chambers, Lacy and Jenkins.

The roll being called, it was found there was not a quorum voting.

On motion of Mr. Hughes the House, at 12:30 P. M., adjourned until the usual hour Monday morning next.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 25, 1870.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called. Quorum present.

Absent—Messrs. Robb and Gaston.

Messrs. Robb and Gaston were excused from attendance for the day.

On motion of Mr. Camp, Mr. Manning was granted leave of absence for thirty days.

On motion of Mr. Austin the reading of the journal of Saturday, July twenty-third, was dispensed with.

Messrs. R. L. Moore, Abney and Leonard presented petitions signed by justices of the peace of Red River, Sabine and Tarrant counties, asking the passage of a law conferring upon justices of the peace exclusively, the power of taking acknowledgments, etc., which were read and laid on the table.

The Speaker and Mr. Abney presented petitions of the Police Court of Angelina county, protesting against the dismemberment of their county.

Petitions read and referred to Committee on Counties and County Boundaries.

Mr. Ross presented a petition, signed by citizens of Ellis county, asking a change of county boundary, which was read and referred to the same committee.

Mr. Schlickum presented the petition of George Dye for relief, which was read and referred to the Committee on Penitentiary.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 23, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bills Nos. 133, 212, 364, 428, 432 and 457 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Abney, Chairman of Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,
Austin, July 25, 1870.

To Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 289, entitled "An Act for the relief of the heirs of Alexander Smith, deceased," have carefully examined the claims of petitioners, and we are satisfied that the relief prayed for should be granted. The act is therefore reported back without amendment by your committee, with recommendation that it do pass.

Respectfully,
ABNEY,
Chairman.

Report and bill passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, July 24, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 444, entitled, "An Act to incorporate the town of Sulphur Springs, in Hopkins county," having carefully examined the same, respectfully return said bill, and recommend its passage.

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. R. L. Moore offered the following concurrent resolution:

Resolved by the Senate and House of Representatives of the State of Texas, That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective houses on the sixth day of August, A. D., 1870, at 12 o'clock, M.

Resolution read first and second times.

On motion of Mr. Slaughter the resolution was amended by striking out the word "sixth" and inserting in lieu thereof the word "eighth."

Mr. Hughes moved to amend the resolution by inserting after the word "Houses," the words "*sine die.*"

Mr. Plumley moved to lay the amendment on the table, upon

which motion the yeas and nays were called for by Messrs. Hughes, Leonard and Cooper, and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Becton, Burley, Booty, Bonner, Davis, Dorris, Harn, Hamilton, Kendall, Locke, Moore of Harrison, Mitchel, Mullins, Medlock, Posey, Plumley, Ross, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Tegener, Weaver of Hunt, Williams of Colorado, York, Youngkin, Zapp, Zoeller—31.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Gardiner, Hughes, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, Morris, McLean, McKee of Guadalupe, Moore of Red River, Pierson, Prissick, Robinson, Simmons, Smyth, Stirman, Shelburne, Tinsley, Williams of Walker, Weaver of Johnson—35.

So the House refused to lay the amendment on the table.

The hour having arrived for the consideration of the special order, viz: House bill No. 294, entitled "An Act to incorporate the Narrow Gauge Railway Company," on motion of Mr. Schutze it was postponed until the business now under consideration is disposed of.

Mr. R. L. Moore moved the previous question.

Previous question seconded.

The question being, "Shall the main question be now put?" the main question was ordered.

The main question being on the adoption of the amendment offered by Mr. Hughes, the yeas and nays were called for by Messrs. Hughes, Robinson and Leonard, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, George, Hughes, Hawkins. Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Moore of Red River, Posey, Pierson, Prissick, Robinson, Simmons, Smyth, Stirman, Shelburne, Tinsley, Weaver of Hunt, Weaver of Johnson, Young, York—34.

Nays—Messrs. Abney, Abbott of Austin, H. R. Allen, Richard Allen, Becton, Burley, Dupree, Davis, Dorris, Ellis, Harn, Hamilton, Johnson, Kendall, Locke, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Ross, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Tegener, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—36.

So the amendment was not adopted.

The question recurring on the adoption of the concurrent resolution offered by Mr. R. L. Moore, the yeas and nays were called for by Messrs. Booty, Weaver of Hunt and Becton, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, George, Hughes, Harn, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Moore of Harrison, Morris, McLean, Moore of Red River, Posey, Prissick, Robinson, Ross, Schlotman, Simmons, Smyth, Stirman, Shelburne, Tegener, Tinsley, Weaver of Hunt, Weaver of Johnson, York, Zoeller—43.

Nays—Messrs. Abney, H. R. Allen, Richard Allen, Burley, Dupree, Davis, Dorris, Ellis, Hamilton, Johnson, Morrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Pierson, Plumley, Schlickum, Schutze, Sheriff, Sinclair, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp—26.

So the resolution was adopted.

Special order resumed. House bill No. 294, to be entitled "An Act to incorporate the Narrow Gauge Railway Company," read the second time.

The following amendment, recommended by Committee on Internal Improvements, was adopted:

In section five insert after the word "amount" the seven words "not to exceed two millions of dollars."

The following amendments, recommended by Committee on Internal Improvements, were laid on the table:

In section thirteen insert after the word "given," "and the bonds issued shall not exceed in amount five thousand dollars per mile, and shall be secured by a mortgage upon the road, rolling stock, depots," etc., striking out in said section the words "or without mortgage."

In section fifteen strike out all after the word "railway."

In section sixteen strike out the words "such width of gauge as the directors may establish not exceeding the 'State gauge,' nor of less gauge than twenty-four inches," and insert the words "a gauge of not less than two feet nor more than two and one-half feet."

Strike out section eighteen and insert in place as section eighteen the following: "That the organization of this company shall be perfected within six months from the date of the passage of this act, and that said company shall be required to build twenty-five miles of said road during each and every year until completed; and in case said company shall fail to construct their road at the said rate of twenty-five miles per year, then in such case this charter shall be null and void."

The hour having arrived for the consideration of House bill No. 379, entitled "An Act to incorporate the Texas and Mexico Railway and Steamship Company," on motion of Mr. Lock the consideration of the same was postponed for fifteen minutes.

Mr. Morris moved a reconsideration of the vote by which the

House adopted the first amendment offered by the Committee on Internal Improvements.

Carried.

On motion of Mr. Schutze the amendment was amended by striking out the word "two" and inserting in lieu thereof the word "three."

The amendment as amended was adopted.

Mr. Abbott, of Austin, moved to strike out the word "branches" in line six of section eight.

On motion of Mr. Schutze the motion of Mr. Abbott was laid on the table.

Mr. Schutze moved to strike out the words "an easterly" in section nine, line three, and to insert in lieu thereof the word "any."

Mr. Abbott, of Austin, moved to lay the amendment on the table.

Lost.

On motion of Mr. Schutze the amendment was adopted.

Mr. Schutze moved to amend section fifteen by inserting in line three, after the word "may," the words "by any general law."

Mr. Abbott, of Austin, moved to lay the amendment on the table.

Lost.

On motion of Mr. Schutze the amendment was adopted.

The time for which the consideration of House bill No. 379 was postponed having expired, it was further postponed until the subject now under consideration is disposed of.

Mr. Hughes moved to strike out all of section fifteen after the word "railway," in line two.

Mr. Schutze moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Schutze, Grothaus and Burnett, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Becton, Booty, Cox, Dupree, Davis, Dorris, Ellis, Franks, Grothaus, Harn, Hamilton, Haswell, Kyle, Kendall, Lacy, Locke, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mullins, Posey, Plumley, Prissick, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Young, Youngkin, Zapp, Zoeller—42.

Nays—Messrs. Abbott of Austin, R. Allen, Burnett, Chambers, Cooper, George, Hughes, Hawkins, Jenkins, Lane, Leonard, Lyons, Medlock, Pierson, Schlotman, Smyth, Stirman, Shelburne, Weaver of Johnson, Williams of Colorado—20.

So the amendment was laid on the table.

Mr. Austin moved to amend section fifteen by inserting after the word "assistance," in line three, the following: "in proportion to the cost of such Narrow Gauge Road."

On motion of Mr. Slaughter the amendment was laid on the table.

Mr. Schutze moved to amend section eighteen, line one, by striking out the words "one year" and inserting in lieu thereof the words "six months," and in line two of the same section by striking out the word "ten" and inserting in lieu thereof the word "twenty."

Amendment adopted.

On motion of Mr. Burnett section eighteen, line three, was amended by striking out the words "and twenty miles within three years."

The bill was then ordered to be engrossed and read the third time by the following vote, the yeas and being called for by Messrs. Hughes, Lacy and Hamilton:

Yeas—Messrs. Austin, H. R. Allen, Richard Allen, Becton, Burly, Booty, Burnett, Bonner, Cooper, Cotton, Cox, Dupree, Davis, Dorris, Ellis, Grothaus, Harn, Hamilton, Haswell, Johnson, Kyle, Kendall, Lacy, Leonard, Locke, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee, of Guadalupe, Mitchel, Mullins, Medlock, Posey, Plumley, Prissick, Robb, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Smyth, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—55.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Chambers, George, Hughes, Hawkins, Jenkins, Lane, Moore of Red River, Pierson, Shelburne—11.

On motion of Mr. Schutze, the rules were suspended, House bill No. 294 read the third time and passed by the following vote, the yeas and nays being called for by Messrs. Chambers, Hawkins and Jo. Abbott:

Yeas—Messrs. Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Bonner, Cooper, Cotton, Cox, Dupree, Davis, Dorris, Ellis, Grothaus, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Leonard, Locke, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Miller, Posey, Pierson, Plumley, Prissick, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—58.

Nays—Messrs. Abbott of Austin, Chambers, George, Hughes, Hawkins, Lane, Moore of Red River, Weaver of Johnson—8

The title of the bill was agreed to.

On motion of Mr. Mullins, the consideration of House bill No. 379 was further postponed for five minutes.

Mr. Mullins moved a suspension of the rules to take up out of its regular order House bill No. 135, to be entitled, "An Act to incorporate the Waco Insurance Company."

Rules suspended, House bill No. 135 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Burnett, the rules were further suspended, House bill No. 135 read the third time, passed and its title agreed to.

Mr. Slaughter moved a suspension of the rules to take up out of its regular order House bill No. 357, to be entitled "An Act to incorporate the Bolivar Point, Eastern Texas and Red River Railway."

Rules suspended and House bill No. 357 was made the special order for Wednesday next at 9:30 A. M.

Mr. Sinclair moved a suspension of the rules to take up out of its regular order House bill No. 200, to be entitled "An Act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern branch."

Rules suspended and House bill No. 200 made the special order for 8:30 this evening.

The hour having arrived for the consideration of business under resolution adopted July second, on motion of Mr. Burnett it was suspended for the day.

Mr. Burnett moved a suspension of the rules to take up out of its regular order order a bill (House bill No. 458) to be entitled "An Act to create the county of Neches."

Rules suspended and bill read the first time.

On motion of Mr. Cooper the rules were further suspended, House bill No. 458 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Cooper the rules were further suspended and House bill No. 458 read the third time.

On motion of Mr. Cooper the bill was amended by inserting the name of "Z. W. Burnett" as one of the commissiouers.

On motion of Mr. Cooper the following was adopted as section eleven, section eleven to be known as section twelve of the bill:

Section 11. Said county of Neches shall form and constitute a part of the third Senatorial District, and shall be attached to and form a part of the third Judicial District.

The bill then passed by a two-thirds vote, and the title was agreed to.

Mr. Haswell moved a suspension of the rules to take up out of its regular order House bill No. 105, to be entitled "An Act to incorporate the Texas Mutual Life Insurance Company."

Rules suspended and House bill No. 105 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Slaughter the rules were further suspended, House bill No. 105 read the third time, passed, and its title agreed to.

Mr. H. R. Allén moved a suspension of the rules to take up out of its regular order House bill No. 139, to be entitled "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston."

Rules suspended and the House agreed to the following Senate amendments:

Amend by striking out that portion of the preamble in the sixteenth line, after the word "therefore," down to section one.

In section one, line twenty-four, strike out the word "fifty" and insert the word "forty."

To section nine add the following: "provided, nothing herein contained shall be construed as making valid any land grant to said Buffalo Bayou Ship Channel Company."

In section eleven, line three, strike out the word "seventy" and insert the word "fifty."

Amend section one by striking out the names of William Hutchins, William M. Rice, T. H. Mundine and Samuel Harper.

The Senate was informed of the action of the House on the amendments.

On motion of Mr. Locke the rules were suspended to take up, out of its order, House bill 379, to be entitled "An Act to incorporate the Texas and Mexican Railway, Steamship and Telegraph Company," and it was made the special order for 8:30 P. M., tomorrow.

Mr. Locke moved a suspension of the rules to take up, out of its regular order, House bill No. 386, to be entitled "An Act providing for the payment of the outstanding indebtedness of the several counties."

Mr. Hawkins moved a call of the House.

Call sustained.

Absent—Messrs. C. L. Abbott, McLean and Robinson.

On motion of Mr. Franks the call of the House was suspended.

By leave, Mr. Camp introduced a bill to be entitled "An Act to incorporate the San Antonio River Valley Irrigation Company."

Bill read the first time and referred to Committee on State Affairs.

By leave, Mr. Booty introduced a bill to be entitled "An Act to incorporate the town of Carthage, in Panola county."

Bill read the first time and referred to Committee on Town and City Corporations.

The House then agreed to the following Senate amendment to House bill No. 386, and a messenger was dispatched to the Senate notifying that body of this action:

Amend section one, line three, by striking out after the word "authorized" the words "and required" and insert in lieu thereof the words "at their discretion."

A message was received from the Senate transmitting Senate bills Nos. 82, 106, 119, 208 and 284, asking the concurrence of the House in the same.

Also, transmitting enrolled bill, to be entitled "An Act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," and enrolled bill, to be entitled "An Act for the relief of the heirs of General Sam Houston, deceased," which were presented to the Speaker, signed by him and returned to the Senate.

Mr. Sinclair moved a suspension of the rules to take up out of its regular order House bill No. 394, to be entitled "An Act to incorporate Salter's Commercial and Literary College."

Rules suspended and bill read the second time.

The following amendment, recommended by Committee on Education, was adopted:

Amend section four so that it shall read as follows: "That all donations and bequests to said college shall be good and binding, although the corporate name may not have been properly stated by the person making such donation or bequest."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Morrison the rules were further suspended, House bill No. 394 read the third time, passed and its title agreed to.

Mr. R. L. Moore moved a suspension of the rules to take up out of its regular order House bill No. 60, to be entitled "An Act to incorporate the Agricultural and Mechanical Association of Northeastern Texas."

Rules suspended and bill read the second time.

The following amendment, recommended by Committee on Agriculture and Stock Raising, was adopted:

Amend section two, line fourteen, after the word "State," insert the following: "Provided nothing herein contained shall infringe upon the rights of patentees."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Franks, the rules were further suspended, House bill No. 60 read the third time, passed and its title agreed to.

Mr. Tegener moved a suspension of the rules to take up out of its regular order House joint resolution No. 19, appointing a committee of three to visit certain portions of the State to ascertain suitable places for the location of branch penitentiaries.

Rules suspended.

Mr. Hawkins moved the rejection of the resolution. Lost.

Mr. Lane moved to amend the resolution by adding the following: "Provided such service shall not exceed sixty days."

Mr. Locke moved to amend the amendment by striking out the word "sixty" and inserting the word "forty,"

Amendment to the amendment adopted.

The question recurring on the amendment as amended, it was adopted.

Mr. Slaughter moved that the resolution be referred to a select committee of five.

Carried.

The Speaker appointed Messrs. Slaughter, Cox, B. F. Williams, Kyle and Austin such committee.

Mr. Plumley, moved a suspension of the rules to take up out of its regular order Senate bill No. 139, to be entitled "An Act to incorporate the Harrison county Agricultural and Mechanical Association."

Rules suspended and Senate bill No. 139 read the first time.

On motion of Mr. Plumley the rules were further suspended, Senate bill No. 139 read the second time, and ordered to be read the third time.

On motion of Mr. Plumley the rules were further suspended, Senate bill No. 139 read third time, passed, and its title was agreed to.

Mr. Cooper moved a suspension of the rules to take up out of its regular order a bill (House bill No. 459) to be entitled "An Act to incorporate the town of Springfield."

Rules suspended and bill read first time.

On motion of Mr. Cooper the rules were further suspended, House bill No. 459 was read second time, and ordered to be engrossed and read the third time.

On motion of Mr. Cooper the rules were further suspended, House bill No. 459 read third time, passed, and its title was agreed to.

By leave of the House Mr. Schutze, Chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, July 24, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred an act to be entitled "An Act providing for the appointment of public weighers of cotton at important points within the State of Texas," have had the same under consideration, and beg leave to report the same back with the recommendation that it pass.

Very respectfully,

JULIUS SCHUTZE, Chairman.

Report and bill passed to the orders of the day.

Mr. Sinclair offered the following resolution:

Be it resolved, That rule forty-six of this House is hereby amended to read as follows:

No person shall be admitted within the bar but members of the Senate, officers of the General or State Government and heads of departments, "unless invited by a member of this House."

Resolution read the first and second times, and on motion of Mr. Posey it was adopted.

Mr. Camp moved that the House proceed to the consideration of the unfinished business on the Speaker's table. Carried.

Mr. Abbott of Hill moved to adjourn until 8:30 this evening. Lost.

The first business in order was a concurrent resolution offered by Mr. Franks in regard to adjournment, which was read, and on motion of Mr. Cooper, it was indefinitely postponed.

House bill No. 263, to be entitled "An Act to prohibit the sale of spirituous liquors, and the keeping of any gaming device within five miles of Trinity University," being next in order, Mr. Schutze moved its rejection.

Mr. Morrison moved the previous question.

Previous question seconded.

The question then recurred: "Shall the main question be now put?"

The main question was ordered.

The main question being upon the motion of Mr. Schutze to reject the bill, the yeas and nays were called for by Messrs. Jo. Abbott, Posey and Becton, and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Dupree, Davis, Dorris, Franks, Grothaus, Harn, Hamilton, Kendall, Moore of Harrison, Medlock, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Stockbridge, Tegener, Williams of Walker, Williams of Colorado, Zapp, Zoeller—22.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Ellis, George, Hughes, Hawkins, Johnson, Jenkins, Lacy, Lane, Leonard, Locke, Morrison, McLean, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Plumley, Ross, Simmons, Sinclair, Smyth, Stirman, Shelburne, Tinsley, Weaver of Hunt, Weaver of Johnson, York, Youngkin—40.

So the House refused to reject the bill.

Mr. Hughes moved that the House adjourn until the regular hour this evening, upon which the yeas and nays were called for by Messrs. Cooper, Davis and Bonner, and resulted as follows:

Yeas—Messrs. Cotton, Cox, Dupree, Davis, Dorris, Ellis, Franks, Grothaus, George, Hughes, Harn, Hamilton, Kendall, Lyons, Moore of Harrison, Moore of Red River, Schlickum, Schlotman, Schutze, Stockbridge, Shelburne, Tegener, Weaver of Johnson, Williams of Colorado, York, Zoeller—26.

Nays—Messrs. Austin, Richard Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Camp, Hawkins, Johnson, Jenkins, Lacy, Leonard, Locke, Morrison, McLean, McKee of Gaudalupe, Mullins, Medlock, Miller, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Sheriff, Simmons, Slaughter, Smyth, Stirman, Weaver of Hunt, Williams of Walker, Youngkin, Zapp—38.

So the House refused to adjourn.

A message was received from the Senate announcing that that body, upon reconsideration, had passed Senate bill No. 94, to be entitled "An Act to expedite the construction of the Southern Pacific Railroad," which was vetoed by the Governor, July 18, 1870.

Mr. Chambers moved the previous question.

Previous question seconded.

The question then recurred, "Shall the main question be now put?"

The main question was ordered.

The main question being on the adoption of the amendment of Mr. Slaughter, offered June 16, viz:

Strike out the words "ten-pin-alley, billiard table or other," to House bill No. 263.

It was lost.

The bill was ordered to be engrossed and read the third time.

Mr. Sinclair gave notice that he would move to amend Rule No. 13 so that it would restrict the time of speaking to five minutes, in lieu of thirty minutes.

Mr. Morrison moved that the House now proceed to the consideration of the Governor's veto of the Southern Pacific Railroad bill.

Lost.

Mr. Plumley moved a reconsideration of the vote by which the House rejected Senate bill No. 3.

On motion of Mr. R. L. Moore the House, at 1:20 P. M., adjourned until 8:30 P. M. this evening.

HOUSE OF REPRESENTATIVES,
AUSTN, TEXAS, July 25, 1870.

EVENING SESSION.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called; quorum present.

By leave, Mr. R. L. Moore introduced a bill to be entitled "An Act to incorporate the town of Clarksville, in Red River county."

Bill read the first time and referred to Committee on Town and City Corporations."

Mr, Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 25, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

Your Committee on Enrolled Bills instruct me to report that they have examined House bills Nos. 19, 323, 371 and 421, and find the same correctly enrolled.

ROBINSON,
Chairman.

Report accepted and enrolled bills signed by the Speaker.

By leave, Mr. Slaughter, Chairman of Committee on Finance, introduced a bill to be entitled "An Act to provide for the assessment and collection of taxes," and on his motion one hundred copies of the bill were ordered printed.

By leave, Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
July 25, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Engrossed Bills, to whom was referred concurrent resolution No. 2, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Special order of the evening, viz: House bill 200 to be entitled "An Act in relation to the Missouri, Kansas, and Texas Railway

Company—late Union Pacific Railway Company, Southern Branch," read the second time.

Mr. Stockbridge moved that the consideration of the bill and substitute therefor, be indefinitely postponed.

Lost.

The substitute was then read.

Mr. Posey moved to amend section one, line seven, by adding the words "Belton and Georgetown," after the word "Waco."

On motion of Mr. Sinclair, the amendment was laid on the table.

Mr. Burnett moved to amend section two, line seven, by striking out the word "ten," and inserting in lieu thereof the word "five."

Lost.

Mr. George moved to amend section one, line five, by adding after the word "point," the following words: "Within ten miles of Preston."

On motion of Mr. R. L. Moore, the amendment was laid on the table.

Mr. Slaughter moved to amend section two, line ten, by striking out the word "two," and inserting in lieu thereof the word "three."

On motion of Mr. Sinclair, the amendment was laid on the table.

Mr. Burnett moved to amend section two, line seven, by striking out the word "ten," and inserting in lieu thereof the word "two."

Mr. Stockbridge moved to lay the bill and substitute on the table.

Lost.

Mr. Morrison moved to lay the amendment offered by Mr. Burnett on the table; upon which motion the yeas and nays were called for by Messrs. Robinson, Burnett and Chambers, and resulted as follows:

Yeas—Messrs. Abney, H. R. Allen, Becton, Burley, Booty, Bonner, Cox, Dupree, George, Hughes, Haswell, Hawkins, Jenkins, Lacy, Lane, Leonard, Locke, Morrison, Morris, McLean, Mitchel, R. L. Moore, Plumley, Prissick, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Shelburne, Tegener, Tinsley, Weaver of Hunt, Weaver of Johnson, Young, Zapp—38.

Nays—Messrs. C. L. Abbott, R. Allen, Jo. Abbott, Burnett, Chambers Cooper, Cotton, Camp, Davis, Dorris, Ellis, Franks, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendall, Lyons, H. Moore, J. F. McKee, Mullins, Medlock, Miller, Posey, Robinson, Ross, Schlotman, Smyth, Stockbridge, R. Williams, B. F. Williams, York, Zoeller—34.

So the amendment was laid on the table.

Mr. Stockbridge moved that the House adjourn. Lost.

Mr. B. F. Williams moved to amend section two, line three, by striking out the word "six" and inserting in lieu thereof the word "four."

On motion of Mr. Hawkins the amendment was laid on the table.

Mr. Stockbridge moved that the further consideration of the substitute and bill be postponed until Thursday next at ten o'clock, A. M.

Lost.

Mr. B. F. Williams moved that the House adjourn.

Lost.

Mr. Posey offered the following amendment to section one of the original bill:

Amend section one by inserting the word "Preston" after the word "Doaksville," and the words, "the town of Belton and Georgetown" after the word "Waco."

On motion of Mr. Sinclair the amendment was laid on the table.

Mr. Cooper moved to amend section five, line six, of the substitute by striking out the word "thirty" and inserting in lieu thereof the word "twenty."

Amendment adopted.

Mr. Slaughter moved the previous question.

Previous question seconded.

The question being, "Shall the main question be now put?" the main question was ordered.

The main question being on the adoption of the substitute in lieu of the original bill, the substitute was adopted.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Locke the rules were suspended, House bill No. 200 read the third time, passed and its title agreed to.

On motion of Mr. Franks the rules were suspended to take up, out of its regular order, Senate bill No. 101, to be entitled "An Act for the relief of J. H. Hallonquist."

Mr. Stockbridge moved that the House adjourn.

Lost.

On motion of Mr. Plumley, Mr. Bonner was granted leave of absence for thirty days.

Senate bill No. 101 read the second time.

On motion of Mr. McLean the rule requiring all bills making appropriations to be considered in committee of the whole House, was suspended in this case, and the bill was ordered to be read the third time.

On motion of Mr. Franks the rules were further suspended, Senate bill No. 101 read the third time and passed by the following vote:

Yeas—Messrs. Austin, C. L. Abbott, H. R. Allen, Jo Abbott,

Becton, Booty, Burnett, Bonner, Chambers, Cooper, Cox, Davis, Dorris, Franks, Grothaus, George, Hughes, Hamilton, Jenkins, Hawkins, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, H. Moore, Morris, McLean, Mullins, Medlock, Miller, Posey, Plumley, Prissick, Robinson, Ross, Schlotman, Sheriff, Schutze, Simmons, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tinsley, S. S. Weaver, R. Williams, J. C. Weaver, B. F. Williams, Young, Zapp—54.

Nays—Messrs. R. Allen, Dupree, Ellis, J. F. McKee, Mitchell, R. L. Moore, Schlickum, Tegener, Zoeller—9.

And the title of the bill was agreed to.

Mr. Abbott, of Hill moved that the House adjourn.

Lost.

Mr. Cooper moved a suspension of the rules to take up out of its regular order Senate bill No. 130, to be entitled "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home."

Rules suspended, and Senate bill No. 130 read the second time and ordered to be read the third time.

On motion of Mr. Cooper the rules were further suspended, Senate bill No. 130 read the third time, passed and its title agreed to.

Mr. Stockbridge moved a suspension of the rules to take up out of its regular order House bill No. 285.

Rules not suspended.

Mr. Lane moved that the House adjourn, upon which motion the yeas and nays were called for by Messrs. Chambers, Cooper and Davis, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Allen R., Abbott of Hill, Becton, Burley, Booty, Cotton, Cox, Dupree, Davis, Dorris, Franks, Ellis, Gardiner, Harn, Hamilton, Kendall, Lacy, Lane, Leonard, Locke, Moore of Harrison, Morris, Mitchell, Mullins, Medlock, Miller, Robinson, Schlickum, Schutze, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, Zoeller—35.

Nays—Messrs. Allen H. R., Burnett, Bonner, Chambers, Cooper, Camp, Grothaus, George, Hughes, Hawkins, Johnson, Jenkins, Lyons, Morrison, McLean, McKee J. F., Moore R. L., Posey, Plumley, Prissick, Ross, Schlotman, Sinclair, Slaughter, Smyth, Stirman, Srockbridge, Tegener, Tinsley, Williams of Walker, Young, York, Zapp—33.

So the House at 10 o'clock P. M. adjourned.

HOUSE OF RERESENTATIVES,
AUSTIN, TEXAS, July 26, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. Austin the reading of yesterday's journal was dispensed with.

Mr. Young presented a memorial signed by citizens of Hill county, asking the removal of their county seat.

Memorial read and referred to Committee on Town and City Corporations.

Mr. Bonner presented a petition signed by citizens of Shelby county, asking that a charter be granted to build a toll bridge.

Petition read and referred to Committee on Roads, Bridges and Ferries.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary to whom were referred House bill No. 107, entitled "An Act to repeal an act entitled an act establishing a general apprentice law, and defining the obligations of master or mistress and apprentice," House bill No. 455, entitled "An Act to repeal an act entitled 'An Act regulating contracts for labor,'" have carefully examined and considered the same, and the committee unanimously instruct me to report them back with a recommendation that they be passed. Both these acts were passed by the Legislature of 1866, and in the opinion of the committee they inculcate principles and establish a policy which should no longer remain on our statute books.

Very respectfully,
BURNETT,
Chairman.

Mr. Burnett moved a suspension of the rules to take up House bill No. 107, to be entitled "An Act to repeal an act establishing a general apprentice law, and defining the obligations of master or mistress and apprentice, approved October 27, 1866."

Rules suspended and House bill No. 107, read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Morris the rules were further suspended,

House bill No. 107, read the third time, passed, and its title agreed to.

Mr. Burnett moved a suspension of the rules to take up House bill No. 455, to be entitled "An Act regulating contracts for labor approved November 1, 1866."

Rules suspended, House bill No. 455, read the second time, ordered to be engrossed, and read the third time.

On motion of Mr. Burnett the rules were further suspended, House bill No. 455, read the third time, passed, and its title agreed to.

Mr. Burnett also submitted the following report:

COMMITTEE ROOM.
Austin, July 26, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred House bill No. 89, entitled "An Act to amend an act entitled an act for ceding to the United States jurisdiction of certain lands in this State for public purposes, approved December 10, 1849," having duly considered the same, respectfully report it back with a recommendation that it be passed.

Very respectfully,
BURNETT,
Chairman.

Report and bill passed to orders of the day.

Mr. Burnett also submitted the following report:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred House bill No. 127, entitled "An Act to repeal an act entitled an act to amend articles 757 and 766 of the penal code for the State of Texas, approved November 12, 1866," having duly considered the same, respectfully report it back with a recommendation that it be passed.

Very respectfully,
BURNETT,
Chairman.

Mr. Cooper moved a suspension of the rules to take up out of its regular order House bill No. 127, to be entitled "An Act to repeal an act entitled 'An Act to amend articles 757 and 766 of an act to adopt and establish a penal code for the State of Texas, approved November 12, 1866.'"

Rules suspended House bill No. 127 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Cooper the rules were further suspended, House bill No. 127 read the third time, passed, and its title agreed to.

Mr. Young, Chairman of Committee on Internal Improvements, submitted the following reports:

COMMITTEE ROOM,
Austin, July 25, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 327, entitled "An Act to incorporate the Galveston and Northeastern Railway Company," having carefully considered the same, would respectfully propose the following amendments to said bill, viz:

In section one, lines sixteen and seventeen, strike out the words "to have perpetual succession," and insert in lieu the words "to have succession for ninety-nine years," and in lines eighteen and nineteen of same section strike out the words, "and to alter the same at discretion;" and these amendments made, your committee would report favorably upon said bill and recommend its passage.

Very respectfully,

YOUNG,
Chairman.

COMMITTEE ROOM,
Austin, July 25, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 338, entitled "An Act to establish the Sabine Pass and Red River Railway Company," having duly considered said bill, would respectfully propose the following amendments thereto, viz:

In section two strike out all after the word "railway" in line two and insert "from Sabine Pass through, in as direct line as practicable, the counties of Jefferson, Jasper, Panola, the city of Jefferson, in Marion county, and through the county of Bowie to Red River, with the privilege of making, owning and maintaining such branches to the railway as they may deem expedient."

In section eighteen, line two, strike out the word "twenty" and insert the words "twenty-five," and in line three of same section strike out the word "three" and insert word "two," and these

amendments made, your committee would report favorably upon said bill and recommend its passage.

Very respectfully,

YOUNG,
Chairman of Committee.

COMMITTEE ROOM,
Austin, July 25, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 425, entitled "An Act to incorporate the Galveston, Austin and Pacific Railroad Company," have carefully considered said bill, and would respectfully propose the following amendments thereto; viz:

In section fourteen, line two, strike out the word "three" and insert the word "one;" in same section, line five, strike out word "five" and insert the word "two," and in same section, line five, after word "years" insert the words, "and shall complete twenty miles during each and every year thereafter until completion of said road." And these amendments made, your committee would report favorably upon said bill and recommend its passage.

Very respectfully,

YOUNG,
Chairman of Committee.

Reports and bills passed to orders of the day.

One hundred copies of reports and bills ordered printed.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred memorial from the clerk of the district court of Freestone county, and other citizens of said county, in regard to the taking of the acknowledgments of deeds, etc., have had the same under consideration, and would most respectfully ask leave to report that there has been a bill reported by the Judiciary Committee covering the question referred to in the memorial; your committee, therefore, return said memorial and ask that it be laid on the table.

COOPER, Chairman.

Memorial laid on the table.

Mr. Tinsley, Chairman of Committee on Public Debt, submitted the following report:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Public Debt, to whom was referred House bill No. 452, entitled "An Act for the relief of Maclin S. Stitte, Robert Mills and David G. Mills," having duly considered the same, ask leave to report the same back and recommend that it be indefinitely postponed.

A. D. TINSLEY,
Chairman.

Report and bill passed to orders of the day.

Mr. Abney, Chairman of Committee to Examine Comptroller's and Treasurer's Offices, submitted the following report:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee to Examine Comptroller's and Treasurer's Offices, to whom was referred House bill 265, entitled "An Act for the relief of Jeremiah Morton," find that the claim of the said Morton has been long since audited as a just claim against the State of Texas, but has never been liquidated, your committee, therefore, report back the said bill and recommend that it do pass.

Respectfully,
ABNEY, Chairman.

Report and bill passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 25, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee to whom House bills Nos. 60, 266, 458 and 459 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
C. J. STOCKBRIDGE.
Chairman of Committee.

Report accepted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

Your Committee on Enrolled Bills have examined "An Act to incorporate the Southern Trans-Continental Railroad," and find it correctly enrolled.

ROBINSON, Chairman.

Report accepted; enrolled bill signed by the Speaker and sent to the Senate.

Mr. Abney, Chairman of Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 376, entitled "An Act for the relief of Andrew J. Nichols," find, from indisputable documentary evidence, that the heirs of Thomas Jackson, who fell at the Alamo, had issued to them, on the 12th day of May, 1855, a bounty warrant for nine hundred and sixty acres, because of the services of the said Thomas Jackson as a soldier in the war of 1836; that said bounty warrant has been regularly transferred for valuable considerations, and is now the property of petitioner, Andrew J. Nichols. It is, therefore, considered that the claim of the said Andrew J. Nichols is just, and we, therefore, report back the bill with the recommendation that it do pass.

Respectfully,

ABNEY, Chairman.

Report and bill passed to orders of the day.

The hour having arrived for the consideration of the special order of the day, viz: House bill No. 317, to be entitled "An Act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company, and to the other special acts relating to said company," on motion of Mr. Grothaus it was postponed for fifteen minutes.

Mr. J. F. McKee moved a suspension of the rules to take up, out of its regular order, House bill No. 376, to be entitled "An Act for the relief of Andrew J. Nichols."

Rules suspended, House bill No. 376 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. J. F. McKee the rules were further suspended, House bill No. 376 read the third time, passed and its title agreed to.

Mr. Camp moved a suspension of the rules to take up, out of its regular order, a bill (House bill No. 463) to be entitled "An Act for the relief of the heirs of John B. Craig, deceased."

Rules suspended, House bill No. 463 read the first time.

On motion of Mr. Camp the rules were further suspended, House bill No. 463 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Becton the rules were further suspended, House bill No. 463 read the third time and passed by the following vote, the yeas and nays being called for by Messrs. Becton, Lacy and Locke:

Yeas—Messrs. Austin, Abney, Allen H. R., Allen Richard, Abbott of Hill, Becton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Durpree, Davis, Dorris, Ellis, Franks, Gardiner, George, Harn, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchell, Mullins, Medlock, Moore of Red River, Pierson, Plumley, Prissick, Robb, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—68.

Nays—Mr. Abbott of Austin—1.

The title of the bill was agreed to.

The time for which the special order had been postponed having expired, on motion of Mr. Sinclair it was further postponed for ten minutes.

Mr. Sinclair moved a reconsideration of the vote, by which the House passed House bill No. 200, to be entitled "An Act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern branch." Vote reconsidered and House bill No. 200 passed by the following vote:

Yeas—Messrs. Austin, Abney, Abbott of Hill, Becton, Burley, Bonner, Cooper, Camp, Dupree, Dorris, Ellis, Franks, Gardiner, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Moore of Harrison, Morris, McLean, Mullins, Moore of Red River, Pierson, Plumley, Prissick, Robb, Ross, Schlickum, Schlotman, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Shelburne, Tinsley, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, Young, Zapp, Zoeller—52.

Nays—Messrs. Abbott of Austin, Richard Allen, Booty, Bur-

nett, Chambers, Cotton, Gaston, Kyle, Mitchell, Medlock, Robinson, Stirman, Williams of Walker, York, Youngkin—15.

The title of the bill was agreed to.

Special order resumed, viz: House bill No. 317, to be entitled "An Act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company, and to the other special acts relating to said company."

House bill No. 317 was read the second time.

Mr. Locke moved to strike out section two and insert the following:

"That said railroad company may avoid the sale of its railroad for its indebtedness to the State for loans from the special school fund, and for the non-payment of principal and interest by the payment into the treasury of the State, on the first day of November, A. D. 1870, of six months interest on the aggregate amount due on account of said loans, principal and interest, as said aggregate amount stood on the first day of May, 1870, and by the payment, in addition, on said first day of November, of one per cent. upon said aggregate amount to be applied towards the sinking fund provided for by existing laws in respect to said loans, and by continuing to pay into the treasury of the State six months interest and one per cent. on account of said sinking fund semi-annually thereafter, to-wit: on the first day of May and November in each year; provided, that in case of failure to comply with any payment required under this section the Governor shall sell the said road under the regulations provided in the law of August 13, 1856."

Mr. Stockbridge moved to lay the amendment on the table. Lost.

The question recurring on the adoption of the amendment, it was adopted.

The Chief Clerk was dispatched to the Senate with House bills Nos. 60, 266, 458 and 459, and Senate bills Nos. 101, 130 and 139.

Mr. Locke offered the following amendment to section three, line three: after the word "Bexar" insert the following: "within four years from the passage of this act."

Amendment adopted.

Mr. Locke also offered the following amendment to section three, line five: after the word "county" insert the following: "within four years from the passage of this act."

Amendment adopted.

Mr. Davis moved to amend section three, line 2, by adding after the word "county" the following: "through the town of Gonzales."

Mr. Slaughter moved to lay the amendment on the table. Lost.

Mr. Stockbridge moved to indefinitely postpone the consideration of the bill. Lost.

Mr. Booty moved to reject the amendment, upon which motion the yeas and nays were called for by Messrs. Davis, Slaughter and Lacy, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Richard Allen, Burley, Booty, Camp, Dupree, Dorris, Gaston, Hughes, Harn, Hawkins, Johnson, Jenkins, Kendall, Lane, Leonard, Locke, Morrison, Morris, Mitchel, Mullins, Miller, Pierson, Plumley, Prissick, Ross, Sheriff, Sinclair, Slaughter, Stirman, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, Zapp—38.

Nays—Messrs. Abney, Abbott of Austin, Abbott of Hill, Burnett, Bonner, Chambers, Cooper, Cotton, Cox, Davis, Ellis, Franks, Gardiner, George, Grothaus, Hamilton, Kyle, Lacy, Lyons, Moore of Harrison, McLean, McKee of Guadalupe, Medlock, Moore of Red River, Posey, Robb, Robinson, Schlotman, Simmons, Stockbridge, Shelburne, York, Youngkin, Zoeller—34.

So the amendment was rejected.

Mr. C. L. Abbott moved to amend section five, line nineteen, by striking out the words "or other lawful currency of the United States."

On motion of Mr. Sinclair the amendment was laid on the table.

Mr. Zoeller moved to amend section three by adding the following proviso: "provided, that if the said road shall not be completed within the time specified in this section then this charter shall be forfeited."

Amendment adopted.

Mr. Locke moved to amend by adding the following proviso to section twelve: add after the word "preamble" the following: "provided that nothing in this act contained shall be construed as reviving any land grant to said company for road hereafter to be completed, which it does not possess by existing law."

Amendment adopted.

Mr. Burnett moved to amend section eight by striking out all after the word "deficiency" in line six.

Mr. Plumley moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. C. L. Abbott, Hawkins and Locke, and resulted as follows:

Yeas—Messrs Austin, Allen H. R., Allen Richard, Becton, Booty, Bonner, Cooper, Camp, Gaston, Gardiner, Hughes, Harn, Haswell, Hawkins, Johnson, Jenkins, Lacy, Lane, Leonard, Locke, Morrison, Morris, McLean, Mullins Miller, Posey, Pierson, Plumley, Robb, Ross, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Shelburne, Weaver of Johnson, Young, York, Zapp—41.

Nays—Messrs. Abney, Abbott of Austin, Abbott of Hill, Bur-

nett, Chambers, Cox, Dupree, Davis, Dorris, Ellis, Franks, Grothaus, George, Kyle, Kendall, Lyons, Moore of Harrison, McKee of Guadalupe, Mitchell, Medlock, Prissick, Smyth, Tegener, Tinsley, Williams of Walker. Williams of Colorado, Youngkin, Zoeller—28.

So the amendment was laid on the table.

Mr. Sheriff offered the following as a new section:

That before the said company shall take or receive any of the benefits conferred, or intended to be conferred, by the provisions of this bill, they shall pay the officers and laborors who have claims due them for labor performed, services rendered, and also make provision to satisfy the outstanding stock of said company issued prior to the first day of May, 1868.

On motion of Mr. Slaughter, the amendment was laid on the table.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Slaughter, the rules were further suspended, House bill No. 317 read the third time and passed by the following vote, the yeas and nays being called for by Messrs, Burnett, Sinclair and Franks:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Booty, Burnett, Bonner, Chambers, Cooper, Camp, Cox, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Locke, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchell, Mullins, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Shelburne, Tegener, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller- -70.

Nays—Messrs. Davis, Medlock—2.

The title of the bill was agreed to.

On motion of Mr. Chambers the consideration of business, as provided for in resolution adopted July 2, was postponed for thirty minutes to take up the unfinished business on the Speaker's table.

House bill No. 422, to be entitled "An Act for the relief of the estate of Thomas J. Chambers, deceased," being first in order, was postponed and made the special order for 10:30 A. M., to-morrow.

A message was received from the Senate transmitting enrolled bill entitled "An Act to incorporate the Southern Trans-Continental Railway Company," announcing that the President of the Senate had signed the same in open session.

House bill No. 102, to be entitled "An Act for the relief of the

Texas and New Orleans Railroad Company, and to protect them in the enjoyment of their rights," was next in order.

Mr. McLean offered the following substitute for section three:

That it shall not be lawful for any railroad company, having for its object a connection by railway between the cities of Houston and New Orleans, and points intermediary on such general line, to construct and operate its railroad across the road-bed or right of way of said Texas and New Orleans Railroad. And it shall not be lawful for any such railroad company, to whom aid in any form has been or may hereafter be granted by the State, to locate, construct and operate its railroad nearer to said Texas and New Orleans Railroad than twenty-five (25) miles at the point where said Texas and New Orleans Railroad crosses the Sabine river—namely, at the town of Orange, in this State; or nearer to said Texas and New Orleans Railroad than fifteen miles where said railroad crosses the Trinity river—namely, at the town of Liberty, in this State."

Mr. Hughes moved to amend the amendment by inserting after the words "Texas and New Orleans Railroad," and before the word "and," the following: "without making full and adequate compensation therefor for any damage or inconvenience that may occur to the said Texas and New Orleans Railroad."

A message was received from the Senate transmitting enrolled bills entitled "An Act to authorize John J. Blankenship to erect a toll bridge over Tehuacana creek, in the county of McLennan, Texas; "An Act to incorporate the Bayou City Bank;" "An Act to incorporate Pennington College;" and "An Act to prohibit the sale, or otherwise disposing of spirituous or vinous liquors within two miles of Pennington College," which had been signed by the President of the Senate.

Also, transmitting Senate bills Nos. 138, 178, 226 and 287, which have passed the Senate, asking the concurrence of the House in the same.

Also, transmitting House bills Nos. 44, 41, 64, 65, 164, 167 and 432, which the Senate has passed; and House bill No. 331, with Senate amendments asking the concurrence of the House in the same.

Mr. Schutze moved a suspension of the rules to take up out of its regular order, House bill No. 429, to be entitled "An Act to incorporate the Colorado Valley Immigration Company."

Rules suspended and House bill No. 429 read the second time.

Mr. Miller moved to lay the following amendment, recommended by Committee on Immigration, on the table.

In section four, line two, insert after the word "each," the word "male."

The yeas and nays were called for by Messrs. Schutze, Miller and Grothaus, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Becton, Burley, Booty, Cotton, Camp, Cox, Davis, Dorris, Hughes, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Morrison, Mitchel, Mullins, Miller, Moore of Red River, Pierson, Plumley, Prissick, Robb, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, York, Youngkin, Zapp—42.

Nays—Messrs. Richard Allen, Abbott of Hill, Burnett, Bonner, Chambers, Cooper, Dupree, Ellis, Gaston, Gardiner, Grothaus, George, Harn, Johnson, Kendall, Lane, Leonard, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Medlock, Ross, Schlotman, Stirman, Stockbridge, Shelburne, Williams of Colorado, Zoeller—29.

So the amendment was laid on the table.

Mr. Harn moved that the House adjourn.

Lost.

Mr. Sinclair gave notice that he would move a reconsideration of the vote by which the House adopted a concurrent resolution yesterday relative to adjournment.

Mr. Stockbridge moved that the House adjourn.

Lost.

Mr. Stockbridge moved to lay the bill now under consideration on the table.

Lost.

Mr. Schutze moved to lay the following amendment, recommended by Committee on Immigration, on the table:

In section four, line two, after the word "immigrant" insert the following: "between the ages of fourteen and forty years."

The yeas and nays were called for by Messrs. Chambers, Cooper and Schutze, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cox, Dupree, Davis, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Morrison, Moore of Harrison, Mitchel, Mullins, Miller, Moore of Red River, Pierson, Plumley, Prissick, Robb, Schlickum, Schutze, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Weaver of Johnson, York, Youngkin, Zapp, Zoeller—38.

Nays—Messrs. Abney, Abbott of Hill, Becton, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hughes, Harn, Johnson, Kendall, Lane, Leonard, Morris, McLean, McKee of Guadalupe, Medlock, Ross, Schlotman, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Williams of Walker, Williams of Colorado—35.

So the amendment was laid on the table.

Mr. Stockbridge moved that the House adjourn. Lost.

Mr. Cooper moved a call of the House.

Call sustained.

On motion of Mr. Plumley the call was suspended.

Mr. Schutze moved to lay the following amendment, recommended by Committee on Immigration, on the table.

In section six, line five, insert, after the word "each," the word "male"

The yeas and nays were called for by Messrs. Schutze, Davis and Cooper, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Richard Allen, Becton, Burley, Booty, Bonner, Camp, Cox, Dupree, Ellis, George. Hughes, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Morrison, Mitchel, Mullins, Miller, Moore of Red River, Pierson, Plumley, Prissick, Robb, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, Youngkin, Zapp—42.

Nays—Messrs. Abney, Abbott of Hill, Burnett, Chambers, Cooper, Cotton, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, Harn, Johnson, Kendall, Lane, Leonard, Lyons, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Medlock, Ross, Schlotman, Smyth, Stirman, Shelburne, Williams of Colorado, Zoeller—30.

So the amendment was laid on the table.

On motion of Mr. Schutze the following amendment, recommended by Committee on Immigration, was laid on the table:

In section six, line five, after the word "immigrant" insert the following: "between the ages of fourteen and forty years."

On motion of Mr. Schutze the following amendment was adopted:

In section seven strike out the word "ten" and insert the word "seven."

Mr. Stockbridge moved that the House adjourn. Lost.

Mr. Richard Allen moved to insert the name of "Erastus Carter" as one of the "incorporators."

On motion of Mr. Tegener the amendment was laid on the table.

Mr. Stockbridge moved that the House adjourn.

Lost.

Mr. Hawkins moved to amend section four by inserting after the word "immigrant" the words "between the ages of seven and fifty years."

Mr. Grothaus moved to amend the amendment by striking out the word "fifty," and inserting in lieu thereof the words "forty-five."

On motion of Mr. Schutze, the amendment to the amendment was laid on the table.

The question recurring on the adoption of the amendment offered by Mr. Hawkins, it was adopted.

Mr. McLean moved to insert the following as a new section:

That the immigrants brought into the State under the provisions of this act shall be equally distributed among the different counties in proportion to the value of taxable property.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

I have the honor to report that "An Act to incorporate the Southern Trans-Continental Railway Company," has this day been presented to the Governor for his approval.

ROBINSON,
Chairman.

Report accepted.

On motion of Mr. Ellis the House, at 1 o'clock P. M., adjourned until 8:30 o'clock this P. M.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 26, 1870.

EVENING SESSION.

8:30 o'CLOCK P. M.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; quorum present.

Mr. Slaughter moved a reconsideration of the vote by which the House adopted concurrent resolution No. 2, to adjourn on the 8th day of August.

Mr. Stockbridge moved to lay the motion to reconsider on the table, upon which motion the yeas and nays were called for by Messrs. Sinclair, Slaughter and Stockbridge, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Becton, Chambers, Cooper, Cotton, Cox, Grothaus, George, Kendall, Lacy, Lane, Leonard, Locke, Moore of Red River, Prissick, Ross, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson—24.

Nays—Messrs. Richard Allen, Burley, Burnett, Bonner, Camp, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Harn, Hamilton, Jenkins, Kyle, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Posey, Pierson, Plumley, Robb, Robinson, Schlickum, Schlotman, Schutze, Sinclair, Slaughter, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp—39.

So the House refused to lay the motion to reconsider on the table.

The question recurring "Shall the vote be reconsidered?" the yeas and nays were called for by Messrs. Stockbridge, Burley and Sinclair, and resulted as follows:

Yeas—Messrs. R. Allen, Burley, Burnett, Bonner, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Hamilton, Jenkins, Kendall, Locke, Morrison, Moore of Harrison, Mitchel, Mullins, Medlock, Posey, Pierson, Plumley, Robinson, Shclickum, Schlotman, Schutze, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp—36.

Nays—Messrs. Austin, Abbott of Austin, Becton, Chambers, Cooper, Cotton, Camp, Cox, Gaston, Grothaus, George, Harn, Hawkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Moore of Red River, Prissick, Robb, Ross, Sheriff, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, York—31.

So the vote was reconsidered.

Mr. Slaughter moved to lay concurrent resolution No. 2 on the table, upon which motion the yeas and nays were called for by Messrs. Booty, Burley and Becton, and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Burnett, Bonner, Camp, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Harn, Hamilton, Kendall, Locke, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Posey, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp—39.

Nays—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Chambers, Cooper, Cotton, Cox, Gaston, Grothaus, George, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Moore of Red River, Prissick, Robb, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, York—31.

So the resolution was laid on the table.

Mr. McLean moved a reconsideration of the vote by which House bill No. 458, to be entitled "An Act to create the county of Neches," was passed.

Mr. Cooper moved to lay the motion to reconsider on the table, upon which motion the yeas and nays were called for by Messrs. Pierson, Robb and Burnett, and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Burnett, Cooper, Cotton, Camp, Dupree, Dorris, Gaston, Harn, Hamilton, Kendall, Locke, Morrison, H. Moore, Mitchel, Mullins, Medlock, Robinson, Schlickum, Schlotman, Sheriff, Tegener, Tinsley, R. Williams, J. C. Weaver, Young, York, Youngkin, Zoeller—30.

Nays—Messrs. Austin, C. L. Abbott, Jo. Abbott, Becton, Booty, Chambers, Cox, Davis, Grothaus, George, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, J. F. McKee, R. L. Moore, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schutze, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, B. F. Williams, Zapp—36.

So the House refused to lay the motion to reconsider on the table.

Mr. Morrison moved a postponement of the special order for fifteen minutes.

Lost.

Special order, viz: House bill No. 379, to be entitled "An Act to incorporate the Texas and Mexico Railway and Steamship Company," read the second time.

Mr Richard Allen moved to amend the bill by inserting the name of "Johnson Reed" as one of the incorporators.

Amendment rejected.

Mr. Hamilton moved to amend section one, line five, by striking out the word "ninety" and inserting in lieu thereof the "word fifty."

Mr. Burley moved to lay the amendment on the table.

Lost.

The question recurring on the adoption of the amendment offered by Mr. Hamilton, it was lost.

Mr. Tegener moved to amend section three by inserting the words "Fredericksburg, Comfort and Boerne," after the word "San Antonio."

On motion of Mr. Slaughter the amendment was laid on the table.

Mr. Stockbridge moved that the further consideration of the bill be postponed until Thursday next at 2:30 P. M.

Lost.

Mr. Dorris moved to amend by striking out section six.

On motion of Mr. Chambers the amendment was laid on the table.

Mr. Morrison moved that the House adjourn, upon which motion the yeas and nays were called for by Messrs. Pierson, Burley and Bonner, and resulted as follows:

Yeas—Messrs. C. L. Abbott, R. Allen, Jo. Abbott, Booty, Cotton, Camp, Dupree, Davis, Gaston, Hughes, Hawkins, Lyons, Morrison, H. Moore, Mitchel, Medlock, Robb, Robinson, Sheriff, Sinclair, Stockbridge, Weaver of Hunt---22.

Nays—Messrs. Austin, Becton, Burley, Burnett, Bonner, Chambers, Cooper, Cox, Dorris, George, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, J. F. McKee, Moore of Red River, Posey, Pierson, Plumley, Prissick, Ross, Schlotman, Simmons, Slaughter, Smyth, Stirman, Shelburne, Tegener, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—42.

So the House refused to adjourn.

Mr. Sinclair moved to amend section ten, by striking out in line five the words, "in the event," and the balance of the section.

Mr. Zoeller moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Sinclair, Morrison and R. Allen, and resulted as follows:

Yeas—Messrs. Becton, Burley, Booty, Bonner, Cox, Hughes, Harn, Kendall, Lacy, McLean, Mitchell, Posey, Pierson, Ross, Schlickum, Schlotman, Schutze, Simmons, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—27

Nays—Messrs. Austin, Abbott of Austin, Allen Richard, Abbott of Hill, Burnett, Chambers, Cooper, Cotton, Dupree, Davis, Dorris, Gaston, George, Hamilton, Jenkins, Kyle, Lane, Leonard, Locke, Morrison, Moore of Harrison, McKee of Guadalupe, Med-

lock, Moore of Red River, Prissick, Robb, Robinson, Sheriff, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Williams of Walker, Weaver of Johnson, York—36.

So the House refused to lay the amendment on the table.

On motion of Mr. Sheriff the House at 10 o'clock P. M. adjourned until the usual hour to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 27, 1870.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called. No quorum present.

Messrs. R. Allen and Abney were excused from attendance.

Mr. Morris moved that the House take a recess until 10 o'clock. Lost.

Mr. Slaughter moved a call of the House.

Call sustained.

Absent—Messrs. Jo. Abbott, Bonner, Miller, Simmons and Youngkin.

On motion of Mr. Grothaus the Sergeant-at-Arms was dispatched for the absentees.

Quorum present.

On motion of Mr. R. L. Moore the call of the House was suspended.

Mr. Robb presented the petition of Knick Ellis to trade without license, which was read and referred to Committee on Finance.

Mr. Burnett, Chairman of Judiciary Committee, submitted the following reports:

COMMITTEE ROOM,
Austin, July 27, 1870.

To Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on the Judiciary, to whom were referred the following bills, viz: House bill No. 9, entitled "An Act to levy a tax on fire-arms;" House bill No. 245, entitled "An Act to provide for the appraisement of all property sold at forced sales;" also, House bill No. 247, entitled "An Act to regulate the taking of depositions in civil causes;" also, House bill No. 257, entitled "An Act to provide for the summary ejectment of intruders upon lands and tenements;" also, House bill No. 279, entitled "An Act to provide a summary method for recovering the possession of personal property;" also, House bill No. 148, entitled "An Act to provide abatement of the salaries of judges and district attorneys failing to perform their official duties;" also, House bill No. 292, entitled "An Act declaring provisional the legislation of the so-called Eleventh Legislature;" also, House bill No. 354, entitled "An Act to amend the laws of descents and distributions, so as to comply with the constitution of the State;" also, House bill No. 360, entitled "A Bill to prevent the destruction of private property on

the public highways;" also, House bill No. 387, entitled "An Act constituting advances made to assist in securing a crop, a lien on the crop and stock;" also, House bill No. 393, entitled "A Bill to protect from forced sale the agricultural products of heads of families, and to regulate the sale thereof;" also, House bill No. 434, entitled "An Act creating the office of county treasurer, and providing for the election and appointment of the same;" also, House bill No. 448, entitled "An Act for the relief of firemen from serving on juries and militia duty," having duly considered the same, respectfully report them back and recommend that they be not passed, the committee being of opinion that existing laws on the several subjects of the bills require no change.

Very respectfully,

BURNETT,
Chairman.

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Judiciary Committee, to whom were referred the following House bills, to wit: No. 252, entitled "Act Act to provide for the punishment of persons collecting illegal taxes;" No. 272, entitled "An Act to amend article 383 of the penal code," and No. 291, entitled "An Act to amend article 836 of code of criminal procedure," having carefully examined the same, instruct me to report them back with a recommendation that they do not pass.

Very respectfully,

BURNETT,
Chairman.

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary, have carefully considered House bill No. 274, entitled "An Act to exempt the wages of laborers and others from the writ of garnishment," and the committee unanimously instruct me to report the same back with a recommendation that it be passed.

Very respectfully,

BURNETT,
Chairman.

Reports and bills passed to orders of the day.

Mr. Burnett moved a suspension of the rules to take up out of its

regular order House bill No. 274, to be entitled "An Act to exempt the wages of laborers and others from the writ of garnishment."

Rules suspended and House bill No. 274 read the second time.

Mr. Franks moved to amend section one by striking out the words "while they remain in the service of their employers."

On motion of Mr. Burnett the further consideration of the bill was postponed and made the special order for to-morrow at 9:30 A. M.

Mr. Booty from the Judiciary Committee submitted the following reports:

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred House bill No. 213, entitled "An Act to legalize certain acts of the late provisional judge of Williamson county," having duly considered the same, respectfully report it back and recommend its passage.

Respectfully,

BOOTY,
For the Committee.

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Judiciary, to whom were referred the following bills, viz:

House bill No. 426, a bill to be entitled "An Act to define the duties of justices of the peace when acting as notaries public, and to provide for the qualification of the same." and House bill No. 427 "An Act to legalize the notarial acts of justices of the peace in this State," having duly considered the same, instruct me to report the accompanying substitute for them, and recommend that it be passed.

Respectfully,

BOOTY,
For the Committee.

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives.:

SIR: Your Committee on Judiciary, to whom were referred the following bills, viz:

House bill No. 204, entitled "An Act to incorporate the Texas Masonic Mutual Life Insurance Company;" House bill No. 430, "An Act to incorporate the Mutual Benefit Life Insurance Company of Texas;" House bill No. 438, "An Act to incorporate the Weatherford Masonic Institute," having duly considered the same, instruct me to report them back, and recommend that they be passed.

Respectfully,

BOOTY,
For the Committee.

Reports and bills passed to orders of the day.

Mr. Abney, Chairman of Committee to Examine Comptroller's and Treasurer's Offices, submitted the following report:

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee to Examine Comptroller's and Treasurer's Offices, to whom was referred House bill No. 216, entitled "An Act to authorize the Governor to appoint one or more supervising agents of the State Treasury," have carefully examined the same, and recommend the following amendments, to-wit:

Section four, line eight, strike out "thirty-thousand" and insert "ten thousand."

Section five, strike out all after the word "him," in third line, and insert "six dollars per diem and all traveling expenses for the time actually employed by him in the discharge of the duties imposed by this act."

With these amendments, your committee report the bill back and recommend its passage.

Respectfully,
ABNEY,
Chairman.

Report and bill passed to orders of the day.

Mr. Johnson, Chairman of Committee on Public Buildings and Grounds, submitted the following reports:

COMMITTEE ROOM,
Austin, July —, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Public Buildings and Grounds, after a careful examination of the Insane Asylum buildings, would respectfully recommend the following repairs as necessary to preserve the building from decay.

Main building—over basement door on east side, wall badly

bulged out, should be taken down and rebuilt, using same material. This was caused by the rotting of the wooden plate over the door, should have been a stone arch.

Main building, rear end—wall near water closet is bulged out, can be replaced at small expense by anchors without taking down the wall.

The anchors to coving on each end of main building should be of heavier material.

East wing—coving has fallen down and should be rebuilt.

Inside—the whole building needs painting and white-washing, from basement to roof.

The walls in nearly all the rooms need mason work and plastering, and the ventilators in each room, instead of stopping in the attic, should be extended through the roof.

All the rooms are nearly almost destitute of beds, bedding and furniture.

Under the cisterns, in each wing an main building, the ceilings in all the rooms is down, requiring new cisterns of iron and conductors of iron pipe in lieu of tin, and the ceilings to be replaced.

In all the windows more or less glazing is necessary.

The roof is of good material, but will require a tinner to make extensive repairs, soldering etc., and needs two coats of paint. Gutters and conductors need same repairs. Dome outside and roof of dome need tinning and painting. Under the dome there has been an extensive leak, causing the ceiling to fall. This must be repaired, and the ceiling replaced. Cost of the whole, twenty thousand dollars.

This amount is not unreasonable when it is taken into consideration that the asylum has not been repaired since the outbreak of the rebellion. And your committee beg leave to recommend the passage of the enclosed bill.

JOHNSON,
Chairman.

COMMITTEE ROOM,
Austin, July 13, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives :

SIR: Your Committee on Public Buildings and Grounds, after a careful examination of the Supreme Court Building find that for the convenient transaction of the business of the Supreme Court, an addition of one story, to conform to the present style of that building, with an extra cut cornice is necessary, (see plan,) and that the same will cost eleven thousand six hundred dollars. And your committee respectfully recommend the passage of the inclosed bill.

JOHNSON,
Chairman.

COMMITTEE ROOM,
Austin, July 13, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Public Buildings and Grounds, after a careful examination of the Deaf and Dumb Asylum buildings find that additions and repairs are needed to the same, to the amount of seven thousand five hundred dollars, and ask leave to recommend the passage of the inclosed bill.

JOHNSON,
Chairman.

COMMITTEE ROOM,
Austin, July 13, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Public Buildings and Grounds would respectfully recommend the passage of the inclosed bill.

JOHNSON,
Chairman.

COMMITTEE ROOM,
Austin, July 13, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Public Buildings and Grounds, after a careful examination of the Blind Institute buildings, find that the same need repairs, including painting, white-washing, glazing, carpenter's and mason's work, amounting to $2600.

They also find that an addition is necessary and should be built to the same, by making the wings one room wider and two stories higher, (see plan), giving eighteen rooms more to the building, at a cost of $7000.

And your committee recommend the passage of the inclosed bill.

JOHNSON,
Chairman.

COMMITTEE ROOM,
Austin, July 13, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Public Buildings and Grounds ask leave to report that a large number of the chairs in the Senate Chamber and hall of Representatives are worn out, and the whole are of so large and unwieldy a pattern as to make them very un com-

fortable and very inconvenient; the desks are also very much worn and damaged. Your committee would recommend that a sufficient number of chairs of the kind shown in the accompanying photograph be purchased for the use of both Houses, and that the desks be scraped, varnished and otherwise repaired, (whole cost three thousand five hundred dollars), and your committee recommend the passage of the inclosed bill.

JOHNSON,
Chairman.

COMMITTEE ROOM,
Austin, July 13, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Public Building and Grounds, after a careful examination of the Governor's mansion and grounds attached, find that the sum of five thousand dollars is necessary for repairing and refitting the same, and ask leave to recommend the passage of the incloaed bill.

JOHNSON,
Chairman.

COMMITTEE ROOM,
Austin, July —, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Public Buildings and Grounds, after a careful examination of the capitol building and grounds, beg leave to make the following report:

Repairs—The inside of the Senate Chamber and hall of Representatives need two coats of paint to give them a decent appearance, and the entrance hall to both Houses need painting. The outside walls of the building should have two coats of paint, and be laid off into squares or blocks with a third; this will protect the stone from further crumbling, and give the building a much better appearance. Some of the flagging in basement floors needs replacing; the roof needs repairing, many of the shingles being gone; the top of the dome needs tinning and painting; also, the gutters and conductors; all the windows need shutters, and many of them glazing. Total cost, including labor and material, about twelve thousand five hundred dollars. And your committee ask leave to recommend the passage of the inclosed bill.

JOHNSON,
Chairman.

Reports and bills passed to orders of the day.

The hour having arrived for the consideration of House bill No. 357, to be entitled, "An Act to incorporate the Bolivar Point, Eastern Texas and Red River Railroad," on motion of Mr. Burnett it was postponed until the other special orders were disposed of.

A message was received from the Governor, and, on motion of Mr Sinclair, the rules were suspended to allow the reading of the same:

EXECUTIVE OFFICE,
Austin, July 22, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I herewith return to your House, where it originated, the act entitled, "An Act reviving the act incorporating the Galveston Dry Dock Company, and the subsequent laws in relation thereto," approved February 16, 1852, February 7, 1853, and February 8, 1858.

The company was incorporated by the first of the recited acts in 1852, and the two subsequent acts gave the company permission to occupy the flats in the bay of Galveston, opposite that city, and known as the "Pelican Flats." The last mentioned act, February 8, 1858, directed a patent to issue to the company for twenty-five acres of these flats, on condition that the company "shall construct a dry dock on the land hereby granted, within two years from the passage of this act."

No dry dock was ever constructed. The company never organized or went into operation, and failed totally to comply with its charter, and became defunct; and of the original corporators, only one, viz: George H. Delesdenier, figures in the present act reviving these provisions of law.

This is undoubtedly an attempt of speculators to secure a land grant (the twenty-five acres of Pelican flats above mentioned), in evasion of the constitution, by reviving an extinct charter. The character of the said two acts of February 7, 1853, and of February 8, 1858, was, I must conclude, not brought to the attention of the Legislature. There could be no objection or opposition to a simple charter to the present corporation, for the making of a dry dock, but I am sure that your body did not knowingly intend these persons to use names of dead men to revive in themselves a forgotten and lapsed grant.

Very respectfully,
EDMUND J. DAVIS,
Governor.

On motion of Mr. R. L. Moore, the message was referred to the Judiciary Committee.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your committee to whom House bills Nos. 107, 127, 135, 200, 263, 294, 317, 376, 394, 455 and 463, have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
C. J. STOCKBRIDGE.
Chairman of Committee.

Report accepted.

The hour having arrived for the consideration of House bill No. 392, to be entitled, "An Act to incorporate the city of San Antonio, and grant a new charter to said city, and to repeal an act entitled, 'An Act to incorporate the city of San Antonio,' approved July 17, 1856, and an act entitled, 'An Act to amend the act to incorporate the city of San Antonio,' approved July 17, 1860."

The bill was read the second time.

The following amendment, recommended by Committee on Town and City Corporations, was adopted:

Amend by striking out the words "July 17," and inserting the words "February 11," in the title wheresoever they may occur.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Slaughter the rules were further suspended, House bill No. 392 read the third time, passed, and its title, as amended, was agreed to.

On motion of Mr. Slaughter Mr. Franks was excused from attendance indefinitely from August 3, 1870.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

Your Committee on Enrolled Bills instruct me to report that they have examined House bills Nos. 64, 139 and 386, and find the same correctly enrolled.

ROBINSON,
Chairman.

Report accepted; enrolled bills signed by the Speaker, and sent to the Senate.

Mr. Cooper introduced a bill to be entitled "An Act to incorporate the Lone Star Bank."

Bill read the first time, and referred to Committee on State Affairs.

Also, a bill to be entitled "An Act to aid the Brazos Branch Railroad to change the gauge, extend the time of construction, erect a telegraph line, and permit the county to extend the road to the international railroad."

Bill read the first time, and referred to Committee on Internal Improvements.

Mr. Hughes moved a suspension of the rules to take up out of its regular order House bill No. 438, to be entitled "An Act to incorporate the Weatherford Masonic Institute."

Rules suspended, House bill No. 438 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Morris the rules were further suspended, House bill No. 438 read the third time, passed, and its title agreed to.

The hour having arrived for the consideration of House bill No. 422, to be entitled "An Act for the relief of the estate of Thomas J. Chambers, deceased," on motion of Mr. Johnson it was postponed for fifteen minutes.

Mr. Johnson moved a suspension of the rules to take up out of its regular order a bill (House bill No. 465, to be entitled "An Act making an appropriation to re-cover the Treasury building."

Rules suspended and bill read the first time.

On motion of Mr. Cooper, the rules were further suspended and House bill No. 465 was read second time.

On motion of Mr. Plumley, the rule requiring all bills making appropriations, to be considered in Committee of the Whole, was suspended in this case.

Mr. Cooper moved to amend section one, by inserting after the word "dollars," the words "or so much thereof as may be necessary."

Amendment adopted.

The bill was then ordered to be engrossed, and read the third time.

On motion of Mr. Cooper, the rules were further suspended, House bill 465 read third time, and passed by the following vote:

Yeas—Messrs. Austin, Abney, C. L. Abbott, R. Allen, Jo. Abbott, Booty, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gaston, Grothaus, George, Hamilton, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacey, Lane, Leonard, Locke, Lyons, Morrison, H. Moore, J. F. McKee, Mitchel, Mullins, Medlock, R. L. Moore, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Smyth,

Shelburne, Tegener, Tinsley, S. S. Weaver, R. Williams, Young, York, Younkin, Zapp, Zoeller—59.

Nays—Messrs. Ellis and Harn—2.

The title of the bill was agreed to.

The time for which the special orders, viz: House bill No. 422, was postponed, having expired, it was, on motion of Mr. Cooper, again postponed to allow the consideration of House bill No. 357, to be entitled "An Act to incorporate the Bolivar Point, Eastern Texas and Red River Railroad."

House bill No. 357, read the second time.

The following amendments, recommended by Committee on Internal Improvements, were adopted:

1st. In line eight of section seven, strike out words "twenty-five," and insert therein the word "fifty."

2d. In line nine, of same section, after word "completed," insert the following:

"And should said company fail to construct their road at the rates of progress, and within the periods of time herein set forth, then in such case said company shall forfeit all rights and franchises conferred by this charter."

On motion of Mr. Locke section one was amended, by striking out the words "and they shall change the same at pleasure."

Mr. Plumley moved to amend section six, so that it shall read as follows:

Sec. 6. "The capital stock of said company shall be two millions, with the privilege of increase to any sum not to exceed twenty millions."

Amendment adopted.

Mr. Robb moved to amend section three, by inserting "the town of Sumpter."

On motion of Mr. Harn the amendment was laid on the table.

Mr. Cooper offered the following amendments, which were adopted:

Strike out of section eight the following words: "to the most favorable road," and insert in lieu thereof the words "railroads under any general law."

Add to section nine the following: "Said company may adopt the gauge of any road with which they may form a connection."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Harn the rules were further suspended, House bill No. 357 read the third time, and passed by the following vote:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Jo. Abbott, Becton, Booty, Burnett, Bonner, Chambers, Cooper, Dorris, Gardiner, Grothaus, George, Harn, Hamilton, Hawkins, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Mor-

rison, Henry Moore, Morris, McLean, Mitchel, Mullins, R. L. Moore, Posey, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stockbridge, Shelburne, Tinsley, S. S. Weaver, R. Williams, J. C. Weaver, B. F. Williams, Young, York, Youngkin, Zapp, Zoeller—61.

Nays—Messrs. Richard Allen, J. F. McKee, Tegener—3.

The title of the bill was agreed to.

A message was received from the Senate announcing that that body had passed House bills Nos. 133 and 177, and 352 with amendments.

Mr. Abney moved to take up the motion to reconsider the vote by which the House passed House bill No. 458, to be entitled "An Act to create the county of Neches."

The question recurring, "Shall the vote be reconsidered?" the yeas and nays were called for by Messrs. Robb, Abney and Burnett, and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Chambers, Cox, Ellis, Gardiner, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morris, McLean, Mitchel, Moore of Red River, Posey, Pierson, Prissick, Robb, Schlickum, Schutze, Simmons, Sinclair, Smyth, Stirman, Shelburne, Tegener, Weaver of Hunt, Weaver of Johnson, Zapp, Zoeller—39.

Nays—Messrs. Richard Allen, Burnett, Bonner, Cooper, Cotton, Dupree, Dorris, Gaston, Grothaus, George, Harn, Hamilton, Kendall, Morrison, Moore of Harrison, McKee of Guadalupe, Mullins, Medlock, Ross, Schlotman, Slaughter, Tinsley, Williams of Walker, Williams of Colorado, York, Youngkin—26.

So the vote was reconsidered.

Mr. McLean moved the previoue question.

Previous question seconded.

Mr. Burnett moved a call of the House.

Call sustained.

Mr. Camp was excused from attendance on account of sickness.

On motion of Mr. R. L. Moore, the call of the House was suspended.

The question then rcurred "Shall the main question be now put?" upon which the yeas and nays were called for by Messrs. Slaughter, Burnett and Dupree, and resulted as follows:

Yeas—Messrs. Austin, Abney C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Burley, Booty, Chambers Cox, Dorris, Ellis, Gardiner, Grothaus, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morris, McLean, J. F. McKee, Miller, R. L.

Moore, Posey, Pierson, Plumley, Prissick, Robb, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Shelburne, Tegener, S. S. Weaver, J. C. Weaver, B. F. Williams, Zapp, Zoeller—46.

Nays—Messrs. R. Allen, Burnett, Cooper, Cotton, Dupree, Gaston, George, Hamilton, Kendall, Locke, H. Moore, Mitchel, Mullins, Medlock, Robinson, Ross, Schlotman, Slaughter, Tinsley, R. Williams, York, Youngkin—22.

So the main question was ordered.

Mr. Cooper moved that the House adjourn.

Lost.

The main question being on the final passage of House bill No. 458, to create the county of Neches, the yeas and nays were called for by Messrs. Pierson, Robb and Burnett, and resulted as follows:

Yeas—Messrs. Richard Allen, Burley. Burnett, Cooper, Cotton, Dupree, Dorris. Gaston, Grothaus, George, Harn, Hamilton, Kendall, Moo[illegible] of Harrison, J. F. McKee, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Sinclair, Slaughter, Tinsley, R. Williams, York, Youngkin—30.

Nays—Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Booty, Chambers, Cox, Ellis, Gardiner, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Morris, McLean, Miller, R. L. Moore, Posey, Pierson, Robb, Schutze, Simmons, Smyth, Stirman, Shelburne, S. S. Weaver, J. C. Weaver, B. F. Williams, Zapp—35.

So the bill did not pass.

On motion of Mr. Morris a messenger was dispatched to the Senate to request the return of House bill No. 458, to be entitled "An Act to create the county of Neches."

A messenger was dispatched to the Senate with House bills Nos. 107, 135, 2[illegible]0, 294, 317, 376, 394, 455 and 463.

Mr. Burnett moved a suspension of the rules to take up out of its regular order Senate bill No. 197, to be entitled "An Act prescribing the times of holding the district courts in the several judicial districts in the State."

Rules suspended and Senate bill No. 197 read the second time.

The following amendments proposed by the Judiciary Committee were then adopted:

SUBSTITUTE FOR SECTION SIX.

SEC. 6. That the district courts of the fifth judicial district shall be holden at the times hereinafter specified, to wit:

In the county of Sabine on the first Mondays in October, February and June, and may continue in session three weeks.

In the county of Shelby on the first Mondays in November, March and July, and may continue in session four weeks.

In the county of Panola on the first Mondays in December, April and August, and may continue in session four weeks.

SUBSTITUTE FOR SECTION EIGHT.

SEC. 8. That the district courts of the seventh judicial district shall be holden at the times hereinafter specified, to wit:

In the county of Davis on the first Mondays in October, February and June, and may continue in session two weeks.

In the county of Titus on the third Mondays in October, February and June, and may continue in session three weeks.

In the county of Marion on the third Mondays in November, March and July, and may continue in session seven weeks.

SUBSTITUTE FOR SECTION TEN.

SEC. 10. That the district courts of the ninth judicial district shall be holden at the times hereinafter specified, to wit:

In the county of Upshur on the first Mondays in October, February and June, and may continue in session three weeks.

In the county of Rains on the fourth Mondays in October, February and June, and may continue in session one week.

In the county of Wood on the first Mondays in November, March and July, and may continue in session three weeks.

In the county of Smith on the fourth Mondays in November, March and July, and may continue in session six weeks.

AMEND SECTION ELEVEN.

Strike out the words "until the business is disposed of," and insert instead thereof the words "four weeks."

SUBSTITUTE FOR SECTION SEVENTEEN.

SEC. 17. That the district courts of the sixteenth judicial district shall be holden at the times hereinafter specified, to wit:

In the county of Calhoun on the first Mondays in October, February and June, and may continue in session three weeks.

In the county of Victoria on the fourth Mondays in October, February and June, and may continue in session three weeks.

In the county of Refugio on the third Mondays in November, March and July, and may continue in session one week.

In the county of San Patricio on the fourth Mondays in November, March and July, and may continue in session one week.

In the county of Nueces on the first Mondays in December, April and August, and may continue in session three weeks.

AMEND SECTION TWENTY-TWO.

Strike out section twenty-two and insert instead thereof the words "that the district courts of the twenty-first judicial district shall be holden at the times hereinafter specified," viz:

In the county of Colorado on the first Mondays in October, February and June, and may continue in session five weeks.

In the county of Fort Bend on the second Mondays in November, March and July, and may continue in session three weeks.

In the county of Austin on the second Mondays in December, April and August, and may continue in session four weeks.

AMEND SECTION THIRTY.

Strike out section thirty and insert instead thereof "that the districts courts of the twenty-ninth judicial district shall be holden at the times hereinafter specified," to wit:

In the county of Fayette on the first Mondays in October, February and June, and may continue in session five weeks.

In the county of Washington on the second Mondays in November, March and July, and may continue in session until the business is disposed of.

Amend section thirty-five by adding the following: "In the county of Bosque on the second Mondays in December, April and August, and may continue in session two weeks."

SUBSTITUTE FOR SECTION THIRTY-SIX.

SEC. 36. That the district courts for the thirty-fifth judicial district shall be holden at the times hereinafter specified, to wit:

In the county of Navarro on the first Mondays in October, February and June, and may continue in session four weeks.

In the county of Hill on the first Mondays in November, March and July, and may continue in session four weeks.

In the county of Limestone on the first Mondays in December, April and August, and may continue in session three weeks.

The bill was then read the third time.

On motion of Mr. Burnett the rules were further suspended, Senate bill No. 197 read the third time, passed, and its title agreed to.

On motion of Mr. Slaughter the rules were suspended to take up out of its regular order House bills Nos. 331 and 35..

The following Senate amendment to House bill No. 331, to be entitled, "An Act to incorporate the Liberty county, Texas, Agricultural, Mechanical and Blood Stock Asso iation," was agreed to:

Amend section one by striking out the word "commissioners," and inserting the word "incorporators."

The following Senate amendment to House bill No. 352, to be entitled, "An Act to define and mark the boundaries of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces," was agreed to:

Amend section one by inserting in the blank after the words,

"margin of the Rio Grande at the," the words "southeast," before the word "corner."

A message was dispatched to the Senate to notify that body of the action taken on Senate bill No. 197, and House bills Nos. 331 and 352.

Also, transmitting enrolled bills to be entitled, "An Act providing for the payment of district attorneys, *pro tem.*;" "An Act to incorporate the Harrison county Agricultural and Mechanical Association," and "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," which have been signed by the Speaker.

On motion of Mr. Morris the rules were suspended to take up bills on their second reading.

House bill No. 11, to be entitled "An Act to repeal an act for assessing and collecting a tax on dogs in certain counties therein named, approved November 13, 1866," read the second time.

Substitute for the same recommended by Judiciary Committee was then read, and, on motion of Mr. Morris, the bill and substitute were laid on the table.

Mr. Burnett moved a reconsideration of the vote just taken.

Mr. Chambers moved to lay the motion to reconsider on the table. Lost.

The question recurring "shall the vote be reconsidered," the House decided to reconsider.

The question recurring on the motion to lay the bill and substitute on the table, it was lost.

Mr. Chambers moved the previous question. Previous question seconded.

The question then recurred "shall the main question be now put." The main question was ordered.

The main question being on the adoption of the substitute in lieu of the original bill, it was adopted, and House bill No. 11 was then ordered to be engrossed and read the third time.

On motion of Mr. Morrison the rules were suspended, House bill No. 11 read third time, passed and its title was agreed to.

A message was received from the Senate announcing that that body had passed House bill No. 91, to be entitled "An Act to organize, incorporate and aid the East Line and Red River Company of Texas;" also, House bill No. 341, to be entitled "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier; the erection and maintenance of a frontier telegraph; the organization, arming and equipment of the State Guard," with amendments.

Mr. Harn moved a suspension of the rules to take up, out of its regular order, House bill No. 321, to be entititled "An Act to protect the poor and uneducated."

Rules suspended and House bill No. 321 read second time.

Mr. Sinclair moved to amend section one by striking out the words of "good moral character."

On motion of Mr. Dorris the amendment was laid on the table.

Mr. Slaughter moved to amend by adding the following proviso:

"Provided, that if any such acting attorney should insult or in any manner contradict the statement of any real attorney, he shall be fined in a sum of five hundred dollars."

On motion of Mr. Dorris the amendment was laid on the table.

Mr. Tegener moved the rejection of the bill, upon which the yeas and nays were called for by Messrs. Tegener, Zoeller and Dorris, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Booty, Burnett, Chambers, Cooper, Cotton, Cox, Dupree, Davis, Dorris, Gaston, Gardiner, Grothaus, George, Hamilton Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Moore of Harrison, Morris, McKee of Guadalupe, Mitchell, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Robb, Robinson, Ross, Schutze, Sheriff, Slaughter, Smyth, Stirman, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zoeller—55.

Nays—Messrs. Abbott of Austin, R. Allen, Bonner, Harn, Morrison, McLean, Mullins, Prissick, Schlickum, Schlotman, Sinclair, Williams of Colorado, Zapp—13.

So House bill No. 321 was rejected.

Mr. Dorris moved to reconsider the vote by which House bill No. 321 was rejected.

On motion of Mr. Chambers the motion to reconsider was laid on the table.

On motion of Mr. Austin, the House, at 1 o'clock P. M., adjourned until 9 o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTN, TEXAS, July 28, 1870.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called; quorum present.

Mr. Burnett, Chairman of the Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on the Judiciary, to whom was referred House bill No. 68, entitled "An Act reviving the act incorporating the Galveston Dry Dock Company, and the subsequent laws in relation thereto, approved February 16, 1852, February 7, 1853, and February 8, 1853," together with the message of his Excellency, the Governor, returning said bill to this House where it originated, and stating his objections thereto, have carefully considered the same, and the committee unanimously instruct me to report them back to the House with a recommendation that the bill, on reconsideration, be not passed. The pointed, though brief objections to the bill, as stated in his Excellency's message, make it unnecessary for the committee to add any argument in behalf of this report.

Very respectfully,
BURNETT,
Chairman.

On motion of Mr. Sinclair the veto message was made the special order for Monday next at 9:30 A. M.

Mr. Burnett also submitted the following report:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: The Judiciary Committee have the honor to report herewith a bill entitled "An Act legalizing certain writs and process issued by or from district courts," and to recommend its passage. The passage of such a bill is made necessary by the acts passed by this Legislature redistricting the State into judicial districts, and prescribing the time of holding district courts in the several counties.

Very respectfully,
BURNETT,
Chairman.

On motion of Mr. Jenkins the rules were suspended to take up out of its regular order a bill (House bill No. 467), to be entitled "An Act legalizing certain writs and process issued by or from district courts."

Rules suspended and bill read the first time.

On motion of Mr. Grothaus the rules were further suspended, House bill No. 467 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Burnett the rules were further suspended, House bill No. 467 read the third time, passed and its title agreed to.

Mr. Burnett also submitted the following reports:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The Judiciary Committee, to whom was referred a petition from Scyene, Dallas county, asking prohibition of sale of liquor within five miles of the town, having had the same under consideration, beg leave to report the accompanying bill and recommend its passage.

Very respectfully,

BURNETT,
Chairman.

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: The Judiciary Committee, to whom was referred a petition of Frank G. Hill, a minor, asking for the passage of an act "legalizing any receipts or other instruments which it may be necessary for him to sign," etc., respectfully report the same back, and recommend that it be laid on the table, for the reason that the Legislature is inhibited by section thirteen of the general provisions of the constitution from passing any special law emancipating minors.

Very respectfully,

BURNETT,
Chairman.

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Judiciary, to whom were referred the following bills, viz: House bill No. 34, "A bill to amend an Act

passed 15th February, 1858, amendatory to an Act passed 26th of August, 1856, to establish a code of criminal procedure for the State of Texas."

House bill No. 114, "A bill to be entitled an act extending to the assignees of Buffalo Bayou, Brazos and Colorado Company, further time for the location of land scrip heretofore issued to it for construction of its track."

House bill No. 141, a bill to be entitled "An Act supplementary to an Act to establish a code of criminal procedure for the State of Texas." Approved August 26, 1858.

And House bill No. 453, "An Act creating the office of County Attorney, and providing for the appointment of the same," having duly considered the same, respectfully report them back and recommend that they no not pass.

Very respeetfully,

BURNETT,
Chairman.

Petition laid on the table, and reports and bills passed to the orders of the day.

Mr. Schutze, Chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred a bill entitled "An Act to incorporate the San Antonio River Valley Irrigration Company," have carefully considered the same, and after a thorough examination of all the advantages which must inevitably flow from the completion of the projected enterprise, and from a knowledge of the high character of the gentlemen composing the company, your committee take much pleasure in recommending the passage of the bill, believing the work to be one in which the State at large, and Southwestern Texas in particular, is deeply interested. Indeed, your committee are of the opinion, that this is a work of too much importance to be overlooked, and had the company asked the fostering care and aid of the State in prosecuting their great enterprise, prompt and efficient support should be granted them. They ask nothing but the simplest chartered privileges, hence your committee respectfully return the bill and ask that it do pass.

J. SCHUTZE, Chairman.

Mr. Camp moved a suspension of the rules to take up out of its

regular order House bill No. 460, to be entitled "An Act to incorporate the San Antonio River Valley Irrigation Company."

Rules suspended, and House bill No. 460, read the second time.

Mr. B. F. Williams moved to amend section one by striking out the words "which the company may alter or change at pleasure."

Gr. Grothaus moved to lay the amendment on the table.

Lost.

The question recurring on the adoption of the amendment, it was adopted.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Camp the rules were further suspended, House bill No. 460, read the third time, passed, and its title agreed to.

Mr. Cooper moved a reconsideration of the vote by which the House agreed to Senate amendment to House bill No. 331, to be entitled "An Act to incorporate the Liberty county Texas Agricultural, Mechanical and Blood Stock Association."

Vote reconsidered.

Mr. Chambers moved that the House disagree to Senate amendment to House bill No. 331.

Carried, and a messenger was dispatched to the Senate to notify that body of this action.

The hour having arrived for the consideration of the special order of the day, on motion of Mr. Slaughter it was postponed until the committee shall have reported.

Mr. Slaughter, chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,
Austin, July, 28, 1870.

SIR: Your committee to whom was referred the correspondence between his Excellency, Governor Davis, and Geo. W. Paschal, Sr., in relation to the Texas Indemnity Bond suits, beg leave to report:

That in the opinion of the committee the Governor has done all in his power to protect the interests of the State, and we heartily endorse his action dismissing Geo. W. Paschal, Sr., from the service of the State, and the employment of the Hon. Thos. J. Durant in his stead.

As this is a matter involving thousands of dollars, and its history of deep interest to the people of the State, and as the correspondence fully explains itself, we herewith incorporate it as a part of our report, and ask that one thousand copies be printed, in pamphlet form, for the use of this House.

Respectfully, SLAUGHTER,
Chairman Committee.

One thousand copies of report and correspondence ordered printed for the use of the members.

Mr. Locke, Chairman of Committee on Agriculture and Stock Raising, submitted the following report:

COMMITTEE ROOM,
Austin, July 26, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 401, entitled "An Act to incorporate the Pioneer Insurance Company," have had the same under consideration, most respectfully report the same back, and recommend that it be laid on the table.

Very respectfully, LOCKE,
Chairman of Committee.

Report and bill passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 424, entitled "An Act to incorporate the city of Houston, in Harris county," having had the same under consideration, respectfully return a substitute therefor, and recommend the passage of said substitute.

C. D. MORRIS,
Chairman.

On motion of Mr. Morris the rules were suspended, House bill No. 424 read the second time and made the special order for 10:30 A. M. to-morrow.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bills Nos. 11, 105, 438 and 463 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I have the honor to report that House bills Nos. 19, 323, 371 and 421 have this day been presented to the Governor for approval.

ROBINSON,
Chairman.

Report accepted.

Special order resumed, viz: House bill No. 274, to be entitled "An Act to exempt the wages of laborers and others from the writ of garnishment."

The question being on the adoption of the amendment offered by Mr. Franks, to amend section one by striking out the words "while they remain in the service of their employers," the yeas and nays were called for by Messrs. Franks, B. F. Williams and Miller, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Burley, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hughes, Hamilton, Kendall, Locke, Lyons, Moore of Harrison, Morris, McLean, Mitchel, Mullins, Medlock, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sinclair, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—42.

Nays—Messrs. Austin, Abbott of Hill, Booty, Bonner, Chambers, Camp, Cox, Gaston, Jenkins, Kyle, Lacy, Lane, Leonard, Miller, Moore of Red River, Pierson, Sheriff, Slaughter, Smyth, Stirman, Shelburne, Weaver of Hunt, York—23.

So the amendment was adopted.

Mr. Schutze moved to amend section one by adding the following: Provided, that the wages of such employe, mechanic or workman, he being a head of a family, shall not be subject to garnishment, if they do not exceed six hundred dollars per annum, or fifty dollars per month. And if the wages of such employe, he being a head of a family, exceed the sum of six hundred dollars per annum, only one-half of such amount exceeding six hundred dollars, or the proportional part thereof per month or week, shall be subject to garnishment.

On motion of Mr. Plumley the amendment was laid on the table.

The bill was then ordered to be engrossed and read the third time.

A messenger was dispatched to the Senate with House bills Nos. 11, 105, 438 and 465, which the House has passed.

A message was received from the Senate transmitting enrolled bills entitled "An Act to relinquish the title and to confirm the patent to certain lands therein named;" "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston," and "An Act providing for the payment of the outstanding indebtedness of the several counties," which had been signed by the President of the Senate.

Also announcing that the Senate had, on reconsideration, passed a bill entitled "An Act for the relief of the East Texas Railroad Company," vetoed by the Governor on the thirteenth inst.

Mr. Franks moved a suspension of the rules to put House bill No. 274 on its final passage.

Rules not suspended.

On motion of Mr. Slaughter, the consideration of the Governor's veto message on "An Act to expedite the construction of the Southern Pacific Railroad," was made the special order for to-morrow at ten o'clock A. M.

On motion of Mr. Tegener, the rules were suspended for the consideration of the Senate amendments to House bill No. 341, to be entitled "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier, the erection and maintenance of a frontier telegraph, the organization of the Reserve Militia and the organization, arming and equipment of the State Guard."

The House then agreed to the following Senate amendments to House bill No. 341:

Amend section one, line three, by striking out the word "eight" and insert in lieu thereof the word "seven;" add after the word "semi-annually," in line four, the words "in gold."

Amend section four, line one, by striking out the words "the Comptroller of the State shall cause to," and insert in lieu thereof the words "there shall."

In section four, line four, strike out the words "to create."

Strike out in lines four and five, the words "sufficient to pay," and insert in lieu thereof the words "of two per cent. to be applied to the payment of."

Strike out in line five, the words "at maturity," and insert in lieu thereof the words "as hereinafter provided."

The question then being on agreeing to the following Senate amendment to House bill No. 341:

Amend section five, line two, after the word "advantage," add "Provided the said bonds shall not be sold at less than par."

Mr. McLean offered the following substitute:

Provided that said bonds shall not be sold for less than ninty cents on the dollar.

Mr. Grothaus moved to lay the substitute on the table, upon which motion the yeas and nays were called for by Messrs. Lacy' Smyth and Burnett, and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, Burley, Burnett, Cooper, Camp, Cox, Dupree, Davis, Gaston, Gardiner, Grothaus, George, Hughes, Hamilton, Haswell, Kendall, Locke, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Robb, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—45.

Nays—Messrs. Austin, H. R. Allen, Abbott of Hill, Becton, Bonner, Chambers, Dorris, Ellis, Franks, Hawkins, Jenkins, Kyle, Lacy, Leonard, Lyons, McLean, Moore of Red River, Pierson, Prissick, Ross, Sinclair, Smyth, Weaver of Hunt—23.

So the substitute was laid on the table.

The question recurring on agreeing to Senate amendment, the House disagreed to the amendment.

Mr. Burnett moved a reconsideration of the vote by which the House agreed to Senate amendment, to strike out in lines four and five the words "sufficient to pay," and to insert in lieu thereof the words "of two per cent. to be applied to the payment of."

Vote reconsidered.

On motion of Mr. Burnett the House disagreed to the amendment.

Mr. Slaughter moved that the House disagree to the following Senate amendment:

Amend section five, line five, by striking out the words "and a half."

The yeas and nays were called for by Messrs. Grothaus, Tegener and Miller, and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, Burley, Burnett, Cooper. Camp, Cox, Dupree, Grothaus, Hughes, Harn, Haswell, Kendall, Locke, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Plumley, Robinson, Schlickum, Schlotman, Sheriff, Slaughter, Spencer, Tegener, Tinsley, Williams of Walker, Williams of Colorado, York, Zapp, Zoeller—35.

Nays—Messrs. Abbott of Hill, Booty, Bonner, Chambers, Davis, Dorris, Ellis, Gaston, Gardiner, George, Hawkins, Jenkins, Kyle, Lacy, Leonard, Lyons, McLean, McKee of Guadalupe, Miller,

Pierson, Prissick, Robb, Ross, Sinclair, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young--30.

So the House disagreed to the amendment.

The House then agreed to the following Senate amendment:

Amend caption to read as follows:

"An Act providing for the issuance and sale of the bonds of the State for certain purposes therein named, and to provide for the payment of the interest thereon, and a sinking fund of two per cent."

A messenger was dispatched to the Senate to notify that body of the action taken by the House on Senate amendments to House bill No. 341.

On motion of Mr. Becton the order of business, as provided for by resolution adopted July second, was suspended, and the rules suspended to take up out of its regular order House bill No. 123, to be entitled "An Act to incorporate the Galveston Insurance Company."

House bill No. 123 read the second time.

On motion of Mr. Morris section one was amended by striking out the words "and change and renew the same at pleasure."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Slaughter the rules were further suspended, House bill No. 123 read the third time, passed and its title agreed to.

Mr. Mullins moved a suspension of the rules to take up out of its regular order House bill No. 194, to be entitled "An Act to incorporate the Bosque Bridge Company of McLennan county."

Rules suspended, House bill No. 194 read the second time, and the following amendments, recommended by Committee on Roads, Bridges and Ferries, were adopted:

Substitute the words "one year" for the words "two years" in section two; insert the word "toll" before the word "bridge" in the second line of section five.

Substitute the word "three" for the word "five" before the word "miles" in section five.

Substitute the word "two" for the word "three" before the word "years" in section eight.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Locke the rules were further suspended, House bill No. 194 read the third time, passed and its title agreed to.

A message was received from the Senate announcing that that body had appointed Messrs. Douglas, Dohoney and Priest, as a Com-

mittee of Conference on Senate bill No. 197, asking that a like committee be appointed by the House.

Mr. Burnett moved that the House appoint a committee of five to confer with the Senate committee.

Carried.

The Speaker appointed Messrs. Burnett, Jenkins, Cooper, Hawkins and Hughes such committee, and a messenger was dispatched to the Senate to notify that body of the action taken by the House.

By leave Mr. Austin offered the following resolution:

Resolved, That the night sessions of this House shall be devoted to corporate acts and special legislation, and that the members shall be called upon in alphabetical order, beginning alternately at A and Z, as they stand on the roll, and each member shall have the privilege of presenting one bill and having the rules suspended and the same disposed of, and this order shall be repeated and continue while the night sessions continue.

Resolution read first and second times.

Mr. Booty moved to lay the resolution on the table, upon which motion the yeas and nays were called for by Messrs. Dorris, Schutze and B. F. Williams, and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, Becton, Booty, Bonner, Dupree, Franks, Gardiner, Grothaus, Hamilton, Kendall, Lacy, Leonard, Lyons, Morrison, Moore of Harrison, McLean, Mitchel, Mullins, Miller, Moore of Red River, Plumley, Robb, Schutze, Slaughter, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Zapp—30.

Nays—Messrs. Austin, Abbott of Hill, Chambers, Cooper, Camp, Cox, Davis, Dorris, Ellis, Gaston, George, Haswell, Hawkins, Jenkins, Kyle, Lane, Locke, McKee of Guadalupe, Pierson, Prissick, Robinson, Ross, Schlickum, Smyth, Stirman, Stockbridge, Weaver of Hunt, Weaver of Johnson, Young, York, Youngkin, Zoeller—32.

So the motion to lay on the table was lost.

Mr. Burnett moved the previous question.

Previous question seconded.

Mr. Schutze moved a call of the House.

Call sustained.

Absent—Messrs. Haswell, Johnson, Morris, Posey, Simmons and Shelburne.

Messrs. H. R. Allen and Johnson were excused from attendance for the day.

Mr. Hughes moved that the House adjourn until nine o'clock A. M. to-morrow; upon which motion the yeas and nays were called for by Messrs, Schutze, Davis and R. L. Moore, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Dupree, Hughes, Harn, Hawkins, Kendall, Moore of Harrison, Miller, Schutze, Slaughter, Stockbridge, Williams of Colorado, Zapp—13.

Nays—Messrs. Austin, Abney, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hamilton, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River. Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Sheriff, Sinclair, Smyth, Stirman, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, York, Youngkin, Zoeller,—57.

So the House refused to adjourn.

On motion of R. L. Moore, the call of the House was suspended.

The question recurring "shall the main question be now put," the main question was ordered.

The main question being on the adoption of the resolution offered by Mr. Austin, the yeas and nays were called for by Messrs. Lacy, Davis and Slaughter, and resulted as follows:

Yeas—Messrs. Austin, C. L. Abbott, Jo. Abbott, Booty, Burnett, Chambers, Cooper, Camp, Cox, Davis, Ellis, Gaston, Gardiner, Grothaus, George, Jenkins, Kyle, Lane, Leonard, Locke, Lyons, J. F. McKee, Medlock, Prissick, Ross, Sheriff, Smyth, Stirman, Stockbridge, S. S. Weaver, J. C. Weaver, Young, York, Youngkin, Zoeller—35.

Nays—Messrs. Abney, H. R. Allen, Becton, Burley, Bonner, Dupree, Harn, Hamilton, Kendall, Lacy, Henry Moore, Mitchell, Miller, R. L. Moore, Pierson, Robb, Robinson, Schlickum, Schlotman, Schutze, Slaughter, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Zapp—27.

So the resolution was not adopted, two-thirds of the members present not voting for the same.

A message was received from the Senate transmitting Senate bills Nos. 24, 98, 125, 191, 221, 244 and 297, asking the concurrence of the House in the same.

Also House bills Nos. 32, 51, 266 317 and 350, with amendments which the Senate has passed.

Mr. Abbott of Hill gave notice that he would introduce a resolution to-morrow of the same purport as that offered by Mr. Austin to-day.

Mr. Simmons was excused from attendance for the day.

Mr. Morrison moved a suspension of the rules to take up out of its regular order House bill No. 454, to be entitled "An Act providing for the appointment of public weighers of cotton within the

State of Texas, and prescribing the fees and duties thereof."

Rules suspended and House Bill No. 454, read the second time.

Mr. Hawkins moved that the House adjourn.

Lost.

Mr. Morrison moved to amend section three by inserting after the word "cotton" in the second line, the following words, "or wool."

Amendment adopted.

Mr. Lane moved that the House adjourn.

Lost.

On motion of Mr. Morrison section four was amended by inserting after the word "cotton," in the second line, the words "or wool."

Mr. Morrison moved to amend section six by inserting after the word "Governor," in last line, the words "for cause."

Mr. Chambers moved to lay the amendment on the table.

Lost.

The question recurring upon the adoption of the amendment the yeas and nays were called for by Messrs. Plumley, Chambers and Locke, and upon the roll being called, it was found that there was no quorum present.

On motion of Mr. Posey the House, at 1 o'clock P. M., adjourned until 9 o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 29, 1870.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called. Quorum present.

Mr. Zoeller was excused from attendance for the day on account of sickness.

Mr. Cole was granted leave of absence for thirty days from to-day.

Mr. Burnett, Chairman of the Judiciary Committee, submitted the following reports:

COMMITTEE ROOM,
Austin, July 29, 1870.

To Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on the Judiciary have the honor to report herewith a bill entitled "An Act further regulating juries," and to recommend its passage.

Very respectfully,
BURNETT,
Chairman.

On motion of Mr. Jenkins the rules were suspended to take up out of its regular order a bill to be entitled "An Act further regulating juries," and the bill was read the first time.

Mr. Burnett also submitted the following report:

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary to whom was referred a petition from the justices of the peace of Houston county, praying that the time required by joint resolution, passed by this Legislature, for the completion of the assessment of taxes, be extended in that county sixty days, have duly considered the same, and the committee believe the prayer of the petition should be granted. In counties where there are no assessors and collectors of taxes, the duty of making the assessment is devolved on the justices of the peace, and in such counties we believe the time should be extended, as these justices necessarily labor under difficulties not experienced by regular assessors and collectors. The committee, therefore, respectfully report herewith a joint resolution entitled a "Joint Reso-

lution extending the time of completing assessment of taxes in certain counties," and recommend its immediate passage.

Very respectfully,

BURNETT,
Chairman.

Mr. Burnett moved a suspension of the rules to take up the "Joint Resolution extending the time of completing assessment of taxes in certain counties"—(House joint resolution No. 23.)

Rules suspended and joint resolution read the first time.

On motion of Mr. Burnett the rules were further suspended and joint resolution No. 23, read the second time.

Mr. Lacy moved to amend by striking out the words "fifteenth day of September," and inserting in lieu thereof the words "first day of October."

Amendment adopted.

House joint resolution No. 23, was then ordered to be engrossed and read the third time.

On motion of Mr. Franks the rules were further suspended, House joint resolution No. 23, read the third time, passed, and its title was agreed to.

Mr. Booty, from the Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, July 29, 1870

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary to whom were referred House bill No. 206, "An Act to amend an act entitled 'An Act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane" approved February 5, 1858, and House bill No. 207, "An Act to validate the acts of presiding justices of counties in sending persons to the State Lunatic Asylum, since the adoption of the Constitution now in force," having duly considered the same, instruct me to report the accompanying substitute for them and recommend its passage.

Respectfully,

BOOTY,
For the Committee.

Report, bill and substitute passed to orders of the day.

Mr. Young, Chairman of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 466, entitled "A Bill to aid the Brazos Branch Railroad Company, to change the gauge, extend the time of construction, erect a telegraph line, and permit the company to extend the road to the International Railroad," having duly considered said bill, would respectfully submit the following report:

It is considered by your committee desirable to more precisely designate the starting point of said road, and they would accordingly propose the following amendment, viz:

In section five, line seven, after the word "Sabine" insert "river, commencing at Sabine Town, or at such point as the Sabine and Natchitoches Railroad, in Louisiana, may strike the Sabine River."

Your committee consider that this road, when completed, will be of great benefit to the State for the following reasons:

By it a direct communication will be established between the interior of this State and the trans-Mississippi Railway system.

The large and valuable tracts of pine lands in many counties through which this road will run, now inaccessible for use, will at once contribute to a pressing need of the central and western portions of the State.

It will enable the State government to transport its convicts and the material for, and products of the State Penitentiary, at less than one-half the present expense.

As the amount of liability for which the State becomes surety does not exceed per annum the sum of one thousand seven hundred and fifty dollars per mile of said road, your committee consider the State as amply secured by the first mortgage provided for in this act, and that in no case can the State be called upon to pay from the State treasury the interest upon the coupons in said act mentioned, which provides, in case of any default by the company, for the immediate collection by the State of all interests and costs from the gross receipts of the road.

Your committee would, therefore, with the above amendment, report favorably upon said bill and recommend its passage.

Very respectfully,

H. W. YOUNG,
Chairman of Committee.

Report and bill passed to orders of the day, and one hundred copies ordered printed.

Mr. Sinclair, Chairman of Committee on Education, submitted the following reports:

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 451, entitled "An Act to prohibit the sale of intoxicating liquors in the neighborhood of Baylor University," have had the same under consideration, and herewith report a substitute for said bill and recommend its passage.

Respectfully,

SINCLAIR,
Chairman.

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 423, entitled "An Act to incorporate Quillin Academy," have had the same under consideration, and beg leave to report the same back with an additional section after section 6, to read as follows:

"Section 7. That this act take effect and be in force from and after its passage."

With this amendment, your committee recommend the passage of said bill.

Respectfully, SINCLAIR,
Chairman.

Reports and bills passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 447, entitled "An Act to incorporate the Waco Gas Light Company," having carefully examined said bill would respectfully return the same and recommend its passage.

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. C. L. Abbott, Chairman of Committee on Printing and Contingent Expenses, submitted the following report:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: I have the honor to report that, in conformity to a resolution of this House, authorizing the Chairman of the Committee on Printing and Contingent Expenses, to settle the following accounts accruing from the last illness and death of the Honorable Robert Crudup, late member of this House, I have examined and paid the following bills, viz: A. H. Parrish, $59 50; W. A. Morris, $69 25; Alexander & Son, $6 83; L. Allen, $25; J. W. Hannig, $145 25; Long & Kingsbury, $10; J. T. Miller, $13 75; P. T. Brown, $8; P. Boland, $12; Bastian, $10,; J. Schutze, $4 50; Band, $110; Miller, $5 50; Miller, $7, amounting in the aggregate to $486,58, and have delivered the vouchers to the Comptroller, for the amount drawn from the treasury under said resolution, which were approved, and I now ask to be relieved from further consideration of this matter.

CHARLES L. ABBOTT,
Chairman of Committee on Printing and Contingent Expenses.

Report adopted and committee discharged from further consideration of the subject.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bills Nos. 194, 274, 357 and 467 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

I am instructed to inform you that "An Act to relinquish the

title and to confirm the patents to certain lands therein named,' "An Act providing for the payment of the outstanding indebtedness of the several counties," and "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston," have this day been presented to the Governor for his approval.

ROBINSON,
Chairman of Committee on Enrolled Bills.

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared House bill No. 44, entitled "An Act to incorporate the Firemen's Insurance Company of Galveston, and find the same correctly enrolled.

Respectfully, ROBINSON,
Chairman.

Reports accepted, and enrolled bill signed by the Speaker and sent to the Senate.

Mr. Camp, Chairman of select committee on Educational bill, submitted the following report:

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your special committee appointed to act in conjunction with a like committee on the part of the Senate, to whom were referred the various school bills now before the House, with instructions to compile, originate and frame a suitable bill for the establishment of a system of free public schools, have duly considered the important duty intrusted to their care, and a majority of said committee instruct me to report the accompanying bill, and to respectfully ask that it do pass.

L. B. CAMP,
Chairman.

Report and bill made the special order for Monday next, at 11 o'clock A. M., and one hundred copies ordered printed.

On motion of Mr. Jenkins one hundred copies of minority report and bill of select committee on educational bill were ordered printed.

The hour having arrived for the consideration of the special order of the day, on motion of Mr. Austin it was postponed for five minutes.

Mr. Austin moved a suspension of the rules to take up, out of its regular order, Senate bill No. 201, to be entitled "An Act to prohibit the sale of intoxicating liquors within four miles of Shiloh Male and Female Academy."

Rules suspended and Senate bill No. 201 read the first time.

On motion of Mr. Austin the rules were further suspended and Senate bill No. 201 read the second time.

On motion of Mr. Cooper section one was amended by striking out the words "four miles" and inserting the words "two miles."

On motion of Mr. Cooper section two was amended by striking out the word "fifty" and inserting the word "twenty," and striking out the words "five hundred" and inserting the words "one hundred."

The bill was then ordered to be read the third time.

On motion of Mr. Austin the rules were further suspended, Senate bill No. 201 read the third time, passed and its title (after being amended by striking out the word "four" and inserting in lieu thereof the word "two,") was agreed to.

On motion of Mr. Franks the special order was further postponed to allow him to introduce a bill to be entitled "An Act appropriating five hundred dollars for certain purposes."

Bill read the first time and referred to Committee on Finance.

Special order resumed, viz: House bill No. 424, to be entitled "An Act to incorporate the city of Houston, Harris county," read the second time.

Substitute for House bill No. 424, to be entitled "An Act to consolidate into one act and amend the several acts incorporating the city of Houston, in Harris county," was then read and adopted in lieu of the original bill, and ordered to be engrossed and read the third time.

On motion of Mr. Morris, the rules were further suspended.

House bill No. 424 read the third time, passed and its title agreed to.

Mr. Abbott of Hill moved a suspension of the rules to take up out of its regular order House bill No. 308, to be entitled "An Act to prescribe the duties of assessors and collectors and of sheriffs in certain cases."

Rules sus pended and House bill No. 308 read theecond time.

Joint resolution (No. 24) providing for the collection of taxes, offered by the Judiciary Committee as a substitute for House bill No. 308, was then read, ordered to take the place of the bill, and ordered to be engrossed and read the third time.

On motion of Mr. Burnett, the rules were further suspended,

House joint resolution No. 24 read the third time, passed and its title was agreed to.

Mr. Smyth moved a suspension of the rules to take up out of its regular order House bill No. 362, to be entitled "An Act to incorporate the Agricultural, Mechanical and Blood Stock Association of Jasper, Texas."

Rules suspended and House bill No. 362 read the second time.

The following amendment recommended by Committee on Agriculture and Stock Raising was adopted:

Amend section two, line thirteen, after the word "State" insert the following: "Provided nothing herein contained shall infringe upon the rights of patentees."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Chambers, the rules were further suspended, House bill No. 362 read the third time, passed and its title agreed to.

By leave, Mr. Sheriff presented a petition signed by citizens of Richmond, Texas, asking the incorporation of their place.

Also a bill to be entitled "An Act to incorporate the town of Richmond, Fort Bend county."

Bill read the first time, and, with the petition, was referred to the Committee on Town and City Corporations.

Mr. Burnett introduced a bill to be entitled "An Act authorizing the Secretary of State, or his chief clerk, to administer oaths or affirmations."

Bill read the first time and referred to the Judiciary Committee:

Also a bill to be entitled "An Act to incorporate the town of Tyler."

Bill read the first time and referred to Committee on Town and City Corporations.

Mr. Dorris introduced a bill to be entitled "An Act to protect agents and counsels in certain cases before mayors, justices of the peace and recorders."

Bill read the first time and referred to the Judiciary Committee.

Mr. Burley introduced a bill to be entitled "An Act donating land to actual settlers upon the public domain."

Bill read the first time and referred to the Committee on Public Lands and Land Office.

Mr. Morris introduced a bill to be entitled "An Act creating the office of Superintendent of Public Buildings.

Bill read the first time and referred to the Committee on Public Buildings and Grounds.

Mr. Plumley introduced a bill to be entitled "An Act making

an appropriation for improving the Penitentiary at Huntsville, Texas, and for the purchuse of machinery therefor."

Bill read the first time and referred to the Committee on Finance.

The hour having arrived for the consideratien of the special order of the day, Mr. Morris moved a call of the House.

Call sutained.

Absent, Messrs. Hamilton, Miller and B. F. Williams.

On motion of Mr. Burley the Sergeant-at-Arms was dispatched for the absentees.

Mr. Harn moved that Mr. B. F. Williams be excused for twenty minutes; upon which motion the yeas and nays were called for by Messsrs. Schutze, Tegener and Davis, and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Allen H. R., Abbott of Hill, Becton, Burley, Booty, Bonner, Chambers, Cooper, Camp, Cox, Ellis, Franks, Gaston, Gardiner, Hughes, Harn, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Morris, Posey, Pierson, Plumley, Robb, Robinson, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Hunt, Weaver of Johnson, Young, York—49.

Nays—Messrs. Richard Allen, Cotton, Dupree, Davis, Dorris, Grothaus, George, Kendall, Locke, Lyons, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mitchell, Mullins, Medlock, Moore of Red River, Prissick, Schlotman, Williams of Walker, Youngkin, Zapp, Zoeller—24.

So Mr. Williams was excused.

Mr. Youngkin moved that Mr. Hamilton be excused for one hour.

Lost.

Mr. Morris moved that Mr. Chambers be excused for ten minutes.

Lost.

Mr. Abney moved a suspension of the call.

Lost.

Mr. Slaughter moved a reconsideration of the vote by which the House refused to excuse Mr. Hamilton for one hour.

Mr. Richard Allen moved to lay the motion to reconsider on the table, upon which motion the yeas and nays were called for by Messrs. Schutze, Morrison and Davis, and resulted as follows:

Yeas—Messrs. Richard Allen, Burnett, Cotton, Cox, Dupree, Davis, Dorris, Grothaus, Hughes, Harn, Kyle, Kendall, Lyons, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mitchel, Medlock, Moore of Red River, Prissick, Robb, Robinson, Schlickum, Schlotman, Shelburne, Tegener, Williams of Walker, York, Youngkin, Zapp, Zoeller—32.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen,

Abbott of Hill, Becton, Burley, Booty, Bonner, Cooper, Camp, Ellis, Franks, Gaston, Gardiner, George, Haswell, Hawkins, Johnson, Jenkins, Lacy, Lane, Leonard, Locke, Morris, Mullins, Posey, Pierson, Plumley, Ross, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Tinsley, Weaver of Hunt, Weaver of Johnson, Young—42.

So the House refused to lay the motion to reconsider on the table.

The question recurring on the motion to reconsider, the yeas and nays were called for by Messrs. R. Allen, Bonner and Morrison, and resulted as follows:

Yeas—Messrs. Austin, Abney, H. R. Allen, Becton, Booty, Bonner, Cooper, Ellis, Franks, Gardiner, Hughes, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lane, Morris, Posey, Pierson, Plumley, Robb, Robinson, Ross, Shclickum, Schutze, Sheriff Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Hunt, Weaver of Johnson, Young, York—39.

Nays—Messrs. Abbott of Austin, Richard Allen, Abbott of Hill, Burley, Burnett, Chambers, Cotton, Camp, Cox, Dupree, Davis, Dorris, Gaston, Grothaus, George, Harn, Kendall, Lacy, Leonard, Locke, Lyons, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Prissick, Schlotman, Williams of Walker, Youngkin, Zapp, Zoeller—35.

So the House decided to reconsider.

Mr. Schutze moved to amend the motion of Mr. Youngkin by inserting the words "for the day" in lieu of the words "one hour."

Amendment adopted.

The question recurring on the motion of Mr. Youngkin as amended, the yeas and nays were called for by Messrs. J. F. McKee, Zapp and Morrison, and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Bonner, Cooper, Camp, Dupree, Ellis, Franks, Gardiner, Hughes, Haswell, Hawkins. Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Moore of Harrison, Morris, McLean, Posey, Pierson, Robb, Robinson, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Tegener, Weaver of Hunt, Weaver of Johnson, Young, York—45.

Nays—Messrs. Richard Allen, Burley, Burnett, Chambers, Cotton, Cox, Davis, Dorris, Gaston, Grothaus, George, Harn, Locke, Lyons, Morrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Harrison, Plumley, Prissick, Schlotman, Smyth, Shelburne, Tinsley, Williams of Walker, Youngkin, Zapp, Zoeller—30.

So Mr. Hamilton was excused from attendance for the day.

Mr. Tegener moved a suspension of the call.

Lost.

Mr. Schutze moved that the House adjourn.

Lost.

On motion of Mr. Slaughter the call of the House was suspended.

Special order resumed, viz: the consideration of the veto message of the Governor on a bill entitled "An Act to expedite the construction of the Southern Pacific Railroad."

[Mr. Burnett in the Chair.]

A message was received from the Senate transmitting enrolled bill to be entitled "An Act to incorporate the Firemen's Insurance Company of Galveston," which had been signed by the President of the Senate in open session.

A message was received from the Senate transmitting Senate bills Nos. 47, 100, 180, 183, 262, and substitute for Senate bill No. 210, which have passed the Senate, asking the concurrence of the House in the same.

A message was received from the Senate announcing that that body had appointed Messrs. Fountain and Pyle as a committee to confer with a like committee of the House on a resolution regarding adjournment on the 15th of August.

Mr. Slaughter moved that a committee of three be appointed to confer with the Senate committee.

Carried.

[Speaker in the Chair.]

Mr. Schutze moved the previous question.

Previous question seconded.

Mr. Morrison moved a call of the House.

Call sustained.

Absent—Messrs. Austin and Morris.

On motion of Mr. Simmons the Sergeant-at-Arms was dispatched for the absentees.

The Speaker announced that the House was full.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being, "Will the House, on reconsideration, pass the bill?" the roll was called and the House refused to pass the bill by the following vote, two-thirds of the members present not voting for the same:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Bonner, Camp, Dorris, Ellis, Franks, Gaston, Gardiner, George, Hughes, Haswell, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Man-

ning, Moore of Harrison, Morris, McLean, Miller, Posey, Pierson, Plumley, Robb, Ross, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tinsley, Weaver of Hunt, Weaver of Johnson, Young, York—50.

Nays—Messrs. Speaker, R. Allen, Burnett, Chambers, Cooper, Cotton, Cox, Dupree, Davis, Grothaus, Harn, Locke, Lyons, Morrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Prissick, Robinson, Schlickum, Schlotman, Tegener, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—29.

On motion of Mr. Burnett the House at 1:45 P. M. adjourned until the usual hour to-morrow morning.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, July 30, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Absent—Mr. Schlickum.

On motion of Mr. Grothaus the reading of yesterday's journal was dispensed with.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your committee, to whom House bills Nos. 123 and 460, and House joint resolutions Nos. 23 and 24 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Mullins moved a suspension of the rules to take up out of its regular order Senate bill No. 82, to be entitled "An Act to Amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty of "An Act to incorporate the Waco Tap Railroad Company."

Rules suspended and bill read the first time.

On motion of Mr. Zoeller, the rules were further suspended, Senate bill No. 82 read the second time, and ordered to be read the third time.

On motion of Mr. Jenkins the rules were further suspended, Senate bill No. 82 read the third time, passed and its title agreed to.

Mr. Schutze moved a suspension of the rules to take up House bill No. 350, to be entitled "An Act for the relief of the Houston and Texas Central Railway Company."

Rules suspended, and the House agreed to the following Senate amendment:

Amend section three, after the word "Dallas," and before the word "as," in fifth line, insert "and to a point on Red River within fifteen miles of Preston."

Mr. Burnett, Chairman on part of the House of Committee of

Conference on Senate bill No. 97, to be entitled "An Act prescribing the times of holding the district courts in the several judic al districts in the State," submitted the following report:

COMMITTEE ROOM,
Austin, July 29, 1870.

To the Honorable President of the Senate
and Speaker of the House of Representatives:

SIRS: Your Joint Conference Committee on Senate bill No. 197, entitled "An Act prescribing the times of holding the district courts in the several judicial districts in the State," have the honor to report the accompanying amendments and agreements as the result of the conference.

Very respectfully,

J. P. DOUGLAS,
Chairman on part of Senate.
J. R. BURNETT,
Chairman on part of House.

Accompanying amendments and agreements:

That the Senate refuse to concur in House amendments to sections eight (8) and thirty (30), and that the House recede from its said amendments.

That the Senate refuse to concur in House amendment to section ten (10), and that the following substitute for said section be adopted in the place of the original section, to-wit:

SEC. 10. That the district courts of the ninth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Upshur on the first Mondays in October, February and June, and may continue in session three weeks.

In the county of Wood on the fourth Mondays in October, February and June, and may continue in session three weeks.

In the county of Rains on the third Mondays in November, March and July, and may continue in session one week.

In the county of Smith on the fourth Mondays in November, March and July, and may continue in session six weeks.

That the Senate refuse to concur in House amendment to section seventeen (17), and that the following substitute for said section be adopted in the place of the original section, to-wit:

SEC. 17. That the district courts of the sixteenth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Calhoun on the first Mondays in September, January and April, and may continue in session three weeks.

In the county of Victoria on the fourth Mondays in September, January and April, and may continue in session three weeks.

In the county of Refugio on the third Mondays in October, February and May, and may continue in session one week.

In the county of San Patricio on the fourth Mondays in October, February and May, and may continue in session one week.

In the county of Nueces on the first Mondays in November, March and June, and may continue in session three weeks.

That section thirty-six (36) be numbered thirty-seven (37), and the following new section be adopted as section thirty-six (36), to-wit:

SEC. 36. That whenever any county to which, by this or any other law, a term of court may be assigned, shall be attached for judicial purposes to another county, then the time assigned for the holding of the courts in such county shall be added to the length of time provided for the county to which such first mentioned county is attached.

On motion of Mr. Burnet the report was laid on the table to await the action of the Senate.

The Speaker appointed Messrs. R. L. Moore, Locke and Chambers as committee of conference on part of the House to fix the day of adjournment.

By leave, Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, July 30, 1870.

Hon. IRA H. EVANS
Speaker House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred the petition of over one thousand citizens of Hill county, asking the removal of their county seat from the town of Hillsboro to the town of Peora, in said county, having had the same under consideration, and arguments *pro* and *con* upon the subject, from all the evidence adduced your committee believe that the interests of Hill county would be subserved by forever settling this, to them, vexed question; and in order to permanently establish a county seat for said county, and in furtherance of this design they instruct me to report herewith a bill entitled "An Act authorizing the Governor to order an election to be held in Hill county for the permanent location of their county seat," and recommend the passage of said bill.

Respectfully,
C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. Pierson, as a matter of privilege, offered the following resolution:

Resolved, That J. G. Boyle and George P. Douglas are hereby discharged from the positions they now serve in this body, and that the House now proceed to the election of a Chief Clerk and Sergeant-at-Arms.

Resolution read first and second times.

Mr. Chambers moved to lay the resolution on the table, upon which motion the yeas and nays were called for by Messrs. Pierson, Slaughter and Robinson, and resulted as follows:

Yeas—Messrs. Speaker, Richard Allen, Booty, Burnett, Chambers, Cooper, Cotton, Cox, Dupree, Davis, Grothaus, George, Hamilton, Kendall, Locke, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Prissick, Robinson, Sheriff, Smyth, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—34.

Nays—Messrs. Austin, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Camp, Dorris, Ellis, Franks, Gaston, Gardiner, Hughes, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Morris, McLean, Posey, Pierson, Robb, Ross, Schutze, Simmons, Sinclair, Slaughter, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, York—35.

So the House refused to lay the resolution on the table.

A message was received from the Governor.

Laid over to come up in its regular order.

Mr. Slaughter moved a call of the House.

Call sustained.

Absent—Messrs. Burley, Miller, Plumley, Schlickum, Schlotman and Young.

On motion of Mr. C. L. Abbott the Sergeant-at-Arms was dispatched for the absentees.

Mr. Burnett moved a suspension of the call.

Call not suspended.

Mr. Chambers moved that the House adjourn.

Lost.

Mr. Burnett moved a suspension of the call of the House, upon which motion the yeas and nays were called for by Messrs. Davis, Burnett and Chambers, and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Cooper, Camp, Dorris, Ellis, Franks, Gaston, Gardiner, George, Hughes, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Morris, McLean, Miller, Posey, Pierson, Plumley, Prissick, Robb, Ross,

Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Weaver of Hunt, Weaver of Johnson, York—47.

Nays—Messrs. Richard Allen, Burnett, Chambers, Cotton, Cox, Dupree, Davis, Grothaus, Harn, Hamilton, Kendall, Locke, Lyons, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchell, Mullins, Medlock, Moore of Red River, Robinson, Schlotman, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—29.

So the call of the House was suspended.

At the request of Mr. Plumley the question was divided, and the vote ordered to be taken separately in regard to the Sergeant-at-Arms and Chief Clerk.

Mr. Booty moved that the Chief Clerk be allowed permission to explain his conduct yesterday.

Carried.

Mr. Burnett moved that so much of the resolution as related to J. G. Boyle be rejected, upon which motion the yeas and nays were called for by Messrs. Davis, Robinson and Burnett, and resulted as follows:

Yeas—Messrs. Speaker, Abbott of Austin, Richard Allen, Burnett, Chambers, Cooper, Cotton, Cox, Dupree, Davis, Grothaus, Harn, Hamilton, Kendall, Locke, Lyons, Manning, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Prissick, Robinson, Schlotman, Sheriff, Smyth, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—37.

Nays—Messrs. Austin, Abney, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Camp, Dorris, Ellis, Franks, Gaston, Gardiner, George, Hughes, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Morris, McLean, Miller, Posey, Pierson, Plumley, Robb, Ross, Schutze, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Weaver of Hunt, Weaver of Johnson, York—41.

So the House refused to reject the resolution.

[Mr. Burnett in the Chair.]

Mr. Hughes offered the following substitute for the resolution:

WHEREAS, The preseut Chief Clerk of this House, having taken occasion on yesterday, in the immediate presence of a majority of the members of this body, to express from his desk in a violent, clamorous and indecorous manner, his disapproval of the vote cast by said members on a certain measure; therefore be it

Resolved, That the said Chief Clerk is hereby removed, and the office of Chief Clerk declared vacant; and

Be it further resolved, That an immediate election be held for Chief Clerk of this House.

A message was received from the Senate transmitting House bill No. 410, which the Senate has passed, and Senate bills Nos. 160, 285 and 301, asking the concurrence of the House in the same.

Mr. Evans moved an indefinite postponement of the consideration of the resolution offered by Mr. Pierson, and the substitute therefor; upon which motion the yeas and nays were called for by Messrs. Schutze, Johnson and Pierson, and resulted as follows:

Yeas—Messrs. Speaker, Abney, R. Allen, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Grothaus, Harn, Hamilton, Kendall, Lacy, Locke, Lyons, Manning, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchell, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Robinson, Schlotman, Sheriff, Smyth, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Ellis, Franks, Gaston, Hughes, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lane, Leonard, Morris, McLean, Miller, Posey, Pierson, Robb, Ross, Schutze, Simmons, Sinclair, Shelburne, Weaver of Hunt, Weaver of Johnson, York—31.

So the consideration of the resolution and substitute was indefinitely postponed.

The hour having arrived for the consideration of the regular order of business, as provided for in resolution adopted July second, on motion of Mr. Abney, it was suspended for the day.

Mr. Abney moved a suspenslon of the rules to take up out of its regular order House bill No. 262.

Lost.

Mr. Zoeller moved to adjourn until Monday morning at nine o'clock, upon which motion the yeas and nays were called for by Messrs. Locke, Prissick and Morrison, and resulted as follows:

Yeas—Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, R. Allen, Jo. Abbott, Becton, Burley, Booty, Chambers, Cotton, Davis, Dorris, Ellis, Franks, Gaston, Grothaus, George, Haswell, Hawkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, Manning, Morrison, H. Moore, J. F. McKee, Miller, Posey, Prissick, Ross, Schlotman, Simmons, Smyth, Stirman, Stockbridge, Tegener, Weaver of Hunt, J. C. Weaver, Williams of Colorado, Young, Zoeller—45.

Nays—Messrs. Burnett, Cooper, Camp, Cox, Dupree, Hamilton, Jenkins, Kyle, Locke, McLean, Mitchell, Pierson, Plumley, Robb, Sheriff, Slaughter, Williams of Walker, York—18.

So the House, at 11:45 A. M., adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, August 1, 1870.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called; quorum present.

Absent—Messrs. Chambers, Hamilton, Leonard and Robb.

Messrs. Chambers, Hamilton and Leonard were excused from attendance for the day.

On motion of Mr. Cooper, the reading of the journal of Saturday, July 30, was dispensed with.

Mr. Mullins moved a reconsideration of the vote by which the House passed Senate bill No. 82, to be entitled "An Act to amend section one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty, of 'An Act to incorporate the Waco Tap Railroad Company.'"

Vote reconsidered and the following amendment offered by Mr. Jenkins, was adopted:

Insert in section two, line nineteen, after the words "railroad company," the words "running in the same general direction."

The bill then passed and its title was agreed to.

Mr. Cooper, from the Judiciary Committee submitted the following reports:

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary, to whom were referred the following bills, to-wit: House bill No. 361, entitled "An Act to authorize and require the clerks of the district courts to apportion the causes on the dockets of said courts;" House bill No. 370, entitled "An Act to provide for the payment of wages to certain mechanics and laborers therein named;" House bill No. 400, entitled "A Bill to be entitled 'An Act to amend article seven hunhundred and fourteen of the Criminal Code,'" having had the same under consideration, respectfully report them back and recommend that they do not pass.

Very respectfully,

COOPER,
for the Committee.

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: The Judiciary Committee, to whom was referred House bill No. 420, entitled "An Act releasing one-half the State tax of Grimes county for the year 1870, for the purpose therein named," have had the same under consideration, and a majority of the committee instruct me to report the bill back with the recommendation that it do not pass. The House having heretofore uniformly rejected bills donating State taxes for the purpose of building jails or court-houses at county sites, it is believed by the committee that this bill, which asks a similar donation for the purpose of building a place of confinement at a distance of ten miles from the county site of Grimes county, should not become a law.

Very respectfully,
COOPER,
for the Committee.

Reports and bills passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, July 30, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom House bills Nos. 362 and 424 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. R. L. Moore, Chairman of Select Committee on part of the House, submitted the following report and resolution:

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: The undersigned members of a joint committee of two from the Senate and three from the House, to whom was referred the matter of adjournment, have unanimously agreed as to the same, and beg leave to offer the following:

Resolved, That the President of the Senate, and Speaker of the House of Representatives, are hereby authorized and required to

adjourn their respective bodies, *sine die*, upon the fifteenth day of August, at 12 o'clock M.

Upon the part of the Senate: FOUNTAIN, and PYLE.

Upon the part of the House: MOORE, CHAMBERS, LOCKE.

Resolution read first and second times, and on motion of Mr. Morris it was adopted.

Mr. Burnett moved a reconsideration of the vote just taken, and to lay the motion to reconsider on the table. The latter motion prevailed.

Mr. Hughes introduced a bill to be entitled "An Act authorizing the Commissioners of the General Land Office to receive original duplicates and unlocated balance certificates, and to issue others of smaller size in lieu thereof."

Bill read the first time and referred to the Judiciary Committee.

Also, a bill to be entitled "An Act for the relief of David Cole."

Bill read the first time and referred to the Committee on Claims and Accounts.

Mr. Ross introduced a bill to be entitled "An Act to change the boundary line of Johnson and Ellis counties."

Bill read the first time and referred to the Committee on Counties and County Boundaries.

Mr. Schlotman introduced a bill to be entitled "An Act to incorporate the town of Burton, in Washington county."

Bill read the first time and referred to the Committee on Town and City Corporations.

Mr. Abney moved a suspension of the rules to take up out of its regular order, Senate joint resolution No. 3. "Authorizing and requiring a settlement of accounts of the late State Treasurer, and refunding a balance ascertained to be due him.

The yeas and nays were called for by Messrs. Franks, Locke and Tinsley, and resulted as follows:

Yeas—Messrs. Abney, H. R. Allen, Burley, Bonner, Cooper, Cotton, Camp, Cox, Grothaus, George, Hughes, Haswell, Hawkins, Jenkins, Kendall, Locke, Lyons, Moore of Harrison, Morris, McKee of Guadalupe, Moore of Red River, Pierson, Prissick, Sheriff, Simmons, Sinclair, Smyth, Stockbridge, Tegener, Young, York—31.

Nays—Messrs. Austin, Abbott of Austin, Richard Allen, Abbott of Hill, Becton, Booty, Burnett, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Harn, Hamilton, Lane, Morrison, Mitchel, Med-

lock, Robinson, Ross, Schlickum, Schlotman, Stirman, Shelburne, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Zapp, Zoeller—32.

So the rules were not suspended.

On motion of Mr. Slaughter the consideration of the Governor's veto message on "An Act for the relief of the East Texas Railroad" was made the special order for Wednesday next, at ten o'clock A. M.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, July 30, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: I have the honor to report that "An Act to incorporate the Firemen's Insurance Company of Galveston" was this day presented to the Governor for his approval.

ROBINSON,
Chairman of Committee on Enrolled Bills.

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined and compared House bills Nos. 32, 41, 65, 164, 266, 322, 352 and 432, and report the same as correctly enrolled.

Respectfully,
ROBINSON,
Chairman.

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills direct me to report that they have examined House bill No. 167, and find the same correctly enrolled.

ROBINSON,
Chairman of Committee.

Reports accepted and enrolled bills signed by the Speaker in open session and sent to the Senate.

A messenger was dispatched to the Senate with House bills Nos.

123, 362, 424 and 460; House joint resolutions Nos. 23 and 24 and Senate bill No. 82, with House amendment.

The hour having arrived for the consideration of the Governor's veto message on "An Act reviving the act incorporating the Galveston Dry Dock Company and the subsequent laws in relation thereto, approved February 16, 1852, February 7, 1853, and February 8, 1858," the message and report of the Judiciary Committee were then read.

The question recurring, "Will the House, on reconsideration, agree to pass the bill?" the House refused to pass the same by the following vote:

Yeas—Messrs. Ross, Simmons, Sinclair, Slaughter—4.

Nays—Messrs. Speaker, Austin, Abney, Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Burley, Booty, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Ellis, Gardiner, Grothaus, George, Hughes, Harn, Haswell, Hawkins, Johnson, Jenkins, Kendall, Lacy, Lane, Locke, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Moore of Red River, Posey, Pierson, Prissick, Robinson, Schlickum, Schutze, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Williams of Colorado, Young, Youngkin, Zoeller—57.

So the bill did not pass.

Mr. Simmons moved a suspension of the rules to take up out of its regular order House bill No. 66, to be entitled "An Act to regulate and provide for the compounding, dispensing and sale of drugs, medicine and poisons."

Rules suspended and House bill No. 66 read the second time.

Substitute recommended by special committee was read and adopted in lieu of the same.

Mr. Franks moved to lay the substitute on the table.

Upon which the yeas and nays were called for by Messrs. Shelburne, Robinson and Simmons and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, Richard Allen, Bonner, Dupree, Davis, Dorris, Franks, Gardiner, Hughes, Hawkins, Kendall, Locke, Moore of Harrison, McKee of Guadalupe, Mullins, Sheriff, Sinclair, Stockbridge, Weaver of Johnson, Williams of Colorado, Young, Zapp—23.

Nays—Messrs. Austin, H. R. Allen, Becton, Burley, Booty, Burnett, Cooper, Cotton, Cox, Ellis, Grothaus, George, Harn, Haswell, Johnson, Lacy, Lane, Lyons, Morris, McLean, Mitchel, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Simmons, Smyth,

Stirman, Shelburne, Tegener, Weaver of Hunt, Williams of Walker, York, Youngkin, Zoeller—43.

So the House refused to lay the substitute on the table.

Mr. Shelburne moved to amend section one, line nine, by inserting the following: "Epsom salts and patent medicines."

Amendment adopted.

Mr. Sheriff moved to amend section one by inserting the following: "Sarsaparilla, juniper berries, copaiba, corrosive sublimate, arsenic, ginger, etc."

On motion of Mr. Robinson the amendment was laid on the table.

On motion of Mr. Becton the bill and substitute were recommitted to the special committee which reported the substitute.

Mr. Burnett moved a suspension of the rules to take up out of its regular order House bill No. 125, to be entitled "An Act establishing public schools," the substitute therefor, and the bills reported by the select committee.

Rules suspended.

On motion of Mr. Camp the original bill and substitute were laid on the table.

A bill (House bill No. 478,) to be entitled "An Act to establish a system of public free schools for the State of Texas," reported by select committee, was read first time.

On motion of Mr. Burnett the rules were further suspended and House bill No. 478 read the second time.

On motion of Mr. Grothaus the House resolved itself into Committee of the Whole for the consideration of the bill.

[Mr. Burnett in the Chair.]

10:30 A. M.

The committee rose. The chairman reported progress, and asked that the committee be discharged from further consideration of the bill.

Reported accepted and committee discharged.

A message was received from the Senate announcing that that body had rejected the report of Joint Committee of Conference on House amendments to Senate bill No. 197, and had appointed a Committee of Free Conference, consisting of Senators Parsons, Pridgen and Ruby, to confer with a like committee on the part of the House.

Also, that the Senate had appointed a Committee of Free Conference, consisting of Senators Fountain, Broughton, Shannon, Hall and Ruby, to confer with a like committee of the House on amendments to House bill No. 341.

On motion of Mr. Morris the Speaker was authorized to appoint like committees from the House.

The Speaker appointed Messrs. Burnett, Grothaus and McLean on Senate bill No. 197, and Messrs. Tegener, Cox, Hughes, George and Weaver of Johnson on House bill No. 341, and a messenger was dispatched to the Senate to notify that body of this action.

Mr. Ellis moved to strike out clause seven of section three of House bill No. 478.

On motion of Mr. Camp the amendment was laid on the table.

Mr. Smyth moved to amend section three, line twelve, at the close of the sentence, by inserting:

"Provided no such tax shall be levied and collected where suitable buildings for school purposes have or may be erected."

On motion of Mr. Burnett the amendment was laid on the table.

Mr. Miller moved to amend section three by adding the following:

"Provided, that nothing contained in this section shall be construed as requiring or authorizing the mixture of the races in any public free school of this State; but separate schools equal and uniform in every respect, shall be established for the races respectively."

Mr. Williams, of Walker, moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Smyth, McLean and Jenkins, and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Burnett, Cooper, Cotton, Cox, Dupree, Davis, Dorris, Franks, Grothaus, Kendall, Locke, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—32.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Bonner, Camp, Ellis, Gaston, George, Hughes, Johnson, Jenkins, Lacy, Lane, Lyons, Morrison, Morris, McLean, Miller, Moore of Red River, Posey, Pierson, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York—33.

So the House refused to lay the amendment on the table.

Mr. Burnett moved a call of the House.

Call sustained.

Absent—Messrs. Haswell, Hawkins, Kyle, Robb and Sinclair.

On motion of Mr. Jenkins the Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Lacy, Mr. Robb was excused from attendance for the week.

Mr. Camp moved a suspension of the call of the House.

Lost.

Mr. Slaughter moved that the House adjourn.

Lost.

Mr. Slaughter moved that the call of the House be suspended, upon which motion the yeas and nays were called for by Messrs. Becton, Locke and Slaughter, and resulted as follows:

Yeas—Messrs. Abney, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Grothaus, George, Harn, Johnson, Kendall, Locke, Morrison, Moore of Harrison, McKee of Guadalupe, Mullins, Medlock, Miller, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—43.

Nays—Messrs. Austin, Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Booty, Gaston Hughes, Haswell, Jenkins, Lacy, Lane, Lyons, Morris, McLean, Mitchel, Moore of Red River, Posey, Pierson, Prissick, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, York—29.

So the call was suspended.

Mr. Posey moved that the House adjourn.

Lost.

Mr. Abney moved to amend the amendment offered by Mr. Miller, by striking out the word "shall," and inserting in lieu thereof, the word "may," upon which motion the yeas and nays were called for by Messrs. Hughes, R. Allen and Jenkins, and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, Burley, Burnett, Bonner, Cooper, Camp, Cox, Dupree, Dorris, Franks, Gardiner, Grothaus, Harn, Haswell, Kendall, Locke, Lyons, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—47.

Nays—Messrs. Austin, Richard Allen, Abbott of Hill, Becton, Booty, Cotton, Davis, Ellis, Gaston, George, Hughes, Hawkins, Johnson, Jenkins, Lacy, Lane, Morrison, McLean, Posey, Prissick, Ross, Simmons, Smyth, Weaver of Hunt, Weaver of Johnson, York—26.

So the amendment to the amendment was adopted.

Mr. Slaughter moved that the amendment as amended be laid on the table; upon which motion the yeas and nays were called for by Messrs. Locke, Robinson and R. Allen, and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Burnett, Cooper, Cotton, Camp, Dupree Davis, Dorris, Franks, Gardiner, Kendall, Locke,

Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—35.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Booty, Bonner, Ellis, Gaston, George, Hughes, Haswell, Hawkins, Johnson, Jenkins, Lacy, Lane, Lyons, McLean, Miller, Moore of Red River, Posey, Pierson, Ross, Schutze, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York—33.

So the amendment as amended was laid on the table.

Mr. McLean moved to amend section three, line nine, by inserting after the word "collected," the words "when necessary."

Amendment adopted.

Mr. Posey moved to amend section four, line one, by striking out the words "chairman of the county," and inserting in lieu thereof the words "presiding justice of the police court."

Amendment adopted.

Mr. McLean moved to amend section four, line one, by striking out the words "or board of school directors."

Amendment adopted.

A message was received from the Senate announcing that the President of the same had signed, in open session, enrolled bills Nos. 32, 41, 65, 164, 167, 266, 322, 352 and 432.

Also transmitting Senate bill No. 272, to be entitled "An Act to incorporate the North Texas Manufacturing Company," asking the concurrence of the House in the same.

Bill passed to orders of the day.

A message was also received from the Senate announcing that that body had passed a concurrent resolution relative to adjournment on the fifteenth instant.

Mr. Camp moved to amend section three, line thirty-six, by inserting after the words "removed from office," the words "by the Governor."

Amendment adopted.

On motion of Mr. McLean sections four and five were amended by striking out the words "of Education," and inserting in lieu thereof the words "of Public Instruction."

Mr. Schutze moved to strike out section eight.

Upon which motion the yeas and nays were called for by Messrs. Hawkins, Jenkins and Jo. Abbott, and resulted as follows:

Yeas—Messrs. Abney, C. L. Abbott, R. Allen, Burley, Burnett, Cotton, Dupree, Davis, Dorris, Gardiner, Grothaus, Harn, Hamil-

ton, Kendall, Locke, H. Moore, J. F. McKee, Mitchell, Mullins, Medlock, Plumley, Robinson, Schlotman, Schutze, Sheriff, Stockbridge, Tegener, Tinsley, R. Williams, B. F. Williams, Zapp, Zoeller—32.

Nays—Messrs. Austin, H. R. Allen, Jo. Abbott, Becton, Booty, Bonner, Chambers, Cooper, Camp, Cox, Ellis, Gaston, George, Hawkins, Jenkins, Lane, Lyons, Morris, McLean, Miller, R. L. Moore, Posey, Pierson, Prissick, Ross, Schlickum, Simmons, Symth, Stirman, Shelburne, S. S. Weaver, J. C. Weaver, Young, York—34.

So the House refused so strike out the section.

Mr. Zapp moved to amend section eight by adding the following:

"Such private teachers, however, shall be subject to examination as provided in section three of this act."

Amendment adopted.

Mr. Robinson moved to strike out section eight as amended.

Mr. Schutze moved a call of the House.

Call sustained.

Absent—Messrs. Franks, Haswell, Hughes, Jenkins and Lacy.

On motion of Mr. Abbott of Hill, the Sergeant-at-Arms was dispatched for the absentees.

Mr. Posey moved a suspension of the call.

Lost.

Mr. B. F. Williams moved that the House adjourn until nine o'clock A. M. to-morrow; upon which motion the yeas and nays were called for by Messrs. Zapp, Davis and B. F. Williams, and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Richard Allen, Abbott of Hill, Booty, Burnett, Bonner, Chambers, Cotton, Camp, Cox, Dupree, Davis, Dorris, Gaston, Gardiner, Hamilton, Hawkins, Kendall, Locke, Morrison, Henry Moore, McLean, Miller, R. L. Moore, Posey, Pierson, Prissick, Schlickum, Schlotman, Slaughter, Smyth, Stockbridge, Tegener, J. C. Weaver, B. F. Williams, Young, York, Youngkin, Zoeller—41.

Nays—Messrs. H. R. Allen, Becton, Burley, Cooper, Ellis, Grothaus, George, Harn, Jenkins, Lane, Lyons, Morris, J. F. McKee, Mitchel, Mullins, Medlock, Plumley, Robinson, Ross, Schutze, Sheriff, Simmons, Sinclair, Stirman, Shelburne, Tinsley, S. S Weaver, R. Williams, Zapp—29.

So the House refused to adjourn, two-thirds of the members present not voting in the affirmative.

Mr. Posey moved a suspension of the call of the House. Call suspended.

The question recurring on the motion of Mr. Robinson to strike out section eight as amended, the yeas and nays were called for by

Messrs. Robinson, Schutze and Jo. Abbott, and resulted as follows:

Yeas—Messrs. C. L. Abbott, R. Allen, Burley, Burnett, Dupree, Davis, Dorris, Gardiner, Grothaus, Harn, Hamilton, Kendall, Locke, Morrison, H. Moore, Morris, J. F. McKee, Mitchel, Mullins, Medlock, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Stockbridge, Tegener, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—35.

Nays—Messrs. Austin, Abney, H. R. Allen, Jo. Abbott, Becton, Booty, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Ellis, Gaston, George, Hawkins, Johnson, Jenkins, Lacy, Lane, Lyons, McLean, Miller, R. L. Moore, Posey, Pierson, Prissick, Ross, Simmons, Slaughter, Smyth, Stirman, Shelburne, S. S. Weaver, J. C. Weaver, Young, York—37.

So the House refused to strike out the section.

Mr. Schutze moved to amend section eight by striking out all after the word "act," pending which the House, at 1:15 P. M., on motion of Mr. Slaughter, adjourned until the usual hour to-morrow morning.

HOUSE OF REREPRESENTATIVES,
AUSTIN, TEXAS, August 2, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. Zoeller the reading of yesterday's journal was dispensed with.

The Speaker laid before the House a petition signed by citizens of Refugio county relative to the removal of the county seat, which, on motion of Mr. Grothaus, was laid on the table.

Mr. Schutze, Chairman of Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 464, to be entitled "An Act to incorporate the Lone Star Bank," having carefully considered the same, have the honor to report the same back with the recommendation that it do pass.

Very respectfully,
SCHUTZE,
Chairman.

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA H. EVANS,
Speaker House Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 333, entitled "An Act to incorporate the Galveston Paving Company," have carefully considered the same and instruct me to report it back, recommending its passage, with the following amendment:

Amend by inserting after section one: Section 2. That said company shall have the right to make contracts to put down, or lay with any patent pavements (that they may now be, or hereafter be, possessed of, by purchase, or agreement, from the owners or licensees thereof,) any street, sidewalk, court-yard, or any oth r place requiring the same, in any city, town, residence, or any other place within the limits of the State of Texas.

Very respectfully,
JULIUS SCHUTZE,
Chairman of Committee.

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred the petition of Peter Metzgar, of Gillespie county, asking reimbursment from the State of Texas by special act of the Legislature of the State have had the same under careful consideration, and finding that said Peter Metzgar has actually expended three hundred dollars in securing and conveying to his home from Arkansas his daughter, Anna Metzgar, who had been stolen by the Indians, they instruct me to recommend the passage of the accompanying act.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

Reports and bills passed to orders of the day.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following reports:

COMMITTEE ROOM,
Austin, August 1, 1870.

Hon. IRA. H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 377, entitled "An Act to incorporate the Paving and Improvement Company," having carefully examined said bill, find the same unworthy of your consideration, wherefore they return said bill with the recommendation that it do not pass.

Respectfully,
C. D. MORRIS,
Chairman.

COMMITTEE ROOM,
Austin, August, 2, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 462, entitled "An Act to incorporate the town of Clarksville in Red River county," having examined said bill, return the same amended as follows, to-wit:

Section second in sixth line strike out the words "the enabling act," and insert in lieu thereof the words "an act entitled 'An Act to authorize the Governor to appoint certain officers to fill vacancies."

In section four in fourth line strike out the word "citizen," and insert the words "qualified elector." In fifth line after the word

"resident," insert the words "for the space of sixty days." In eighth line strike out the word "citizen," and insert qualified elector." In ninth line after the word "resident," insert the words "for the space of sixty days."

And as thus amended your committee recommend that said bill do pass.

Respectfully,

C. D. MORRIS,
Chairman.

Reports and bills passed to orders of the day.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 1, 1870.

To Hon. IRA H. EVANS,
Speaker House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have examined House bills Nos. 91 and 350, and find the same correctly enrolled.

ROBINSON,
Chairman.

Report accepted, enrolled bills signed by the Speaker and sent to the Senate.

Mr. Schutze moved a suspension of the rules to take up out of its regular order a bill, (House bill No 483,) to be entitled "An Act making appropriation to pay Peter Metzgar for conveying his daughter, Anna Metzgar, from Arkansas to her home in Texas, who was captured by Indians and recovered at the boundaries of the State."

Rules suspended and bill read the first time.

On motion of Mr. Schutze the rules were further suspended and House bill No. 483, read the second time.

On motion of Mr. Schutze the rule requiring all bills making appropriations to be considered in Committee of the Whole, was suspended in this case.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Zoeller the rules were further suspended, House bill No. 483, read the third time and passed by the following vote:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Gaston, Gardiner, Grothaus, George, Hawkins, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Moore of Harrison, McLean,

McKee of Guadalupe, Mitchel, Mullins, Moore of Red River, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—63.

Nays—Mr. Ellis.

The title of the bill was agreed to.

Mr. Austin was excused from attendance for the day on account of sickness.

Mr. Tegener, Chairman of Committee on Free Conference, on part of the House, on House bill No. 341, submitted the following report:

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee of Free Conference, to whom was referred House bill No. 341, have given the same due consideration, and report the accompanying bill as a substitute, recommending its passage.

FRITZ TEGENER,
Chairman of Committee.

Report, bill and substitute passed to orders of the day.

Mr. Jenkins introduced a bill to be entitled "An Act to incorporate the town of Webberville."

Bill read the first time, and referred to the Committee on the Judiciary.

Mr. Tegener moved a suspension of the rules to take up a bill reported by Committee on Free Conference (House bill No. 484), to be entitled "An Act providing for the issuance and sale of the bonds of the State for the purpose of meeting the appropriations made for maintaining ranging companies on the frontier."

Rules suspended and bill read the first time.

[Mr. Burnett in the Chair.]

On motion of Mr. Tegener the rules were further suspended and House bill No. 484 read the second time.

On motion of Mr. Evans section seven was amended by striking out the words "with the approval of the Governor and Comptroller."

On motion of Mr. Evans the rule requiring all bills making appropriations to be considered in Committee of the Whole was suspended in this case, and the bill was ordered to be engrossed and read the third time.

On motion of Mr. Hughes the rules were further suspended and House bill No. 484 was read the third time and passed by the following vote:

Yeas—Messrs. Speaker, Abney, Abbott of Austin, Richard Allen, Becton, Burley, Booty, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Gaston, Gardiner, Grothaus, George, Hughes, Hamilton, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Moore of Harrison, McKee of Guadalupe, Mullins, Pierson, Plumley, Prissick, Robinson, Ross, Shelickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—61.

Nays—Messrs. Abbott of Hill, Chambers, Franks, Hawkins, Miller—5.

The title of the bill was agreed to.

Mr. Evans introduced a bill (House bill No. 486,) to be entitled "An Act to authorize the police courts of counties to levy and collect a special tax for the repairs of public buildings."

Bill read the first time.

On motion of Mr. Slaughter the rules were suspended and House bill No. 486 was read the second time.

On motion of Mr. Cooper section one was amended by inserting after the word "repairing," the words "and completing."

On motion of Mr. Evans section one was amended by inserting after the word "repair," the words "or completion."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Franks the rules were further suspended, House bill No. 486 read the third time, passed and its title, after being amended by inserting after the word "repair," the words "and completion," was agreed to.

Mr. Evans moved a suspension of the rules to take up out of its regular order House bill No. 440, to be entitled "An Act supplementary to, and amendatory of an act entitled 'An Act supplementary to an act to incorporate the city of Corpus Christi,'" approved February 13, 1854.

Rules suspended and House bill No. 440 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Evans the rules were further suspended, House bill No. 440 read the third time, passed and its title agreed to.

Mr. Franks moved a suspension of the rules to take up out of its regular order Senate bill No. 252, to be entitled "An Act for the relief of Mrs. A. K. Foster, widow of Senator A. K. Foster, deceased."

Rules suspended and bill read the first time.

On motion of Mr. Franks the rules were further suspended and Senate bill No. 252 read the second time.

On motion of Mr. Grothaus the rule requiring bills making appropriations to be considered in Committee of the Whole, was suspended in this case.

On motion of Mr. Franks section three of the bill was adopted as section four, and the following as section three:

"That Hon. H. C. Youngkin be authorized to draw said per diem and receipt for the same."

The bill was then ordered to be read the third time.

A message was received from the Governor.

Message laid over to come up in its order.

Mr. Franks moved a further suspension of the rules to put Senate bill No. 252 on its final passage.

Rules suspended and Senate bill No. 252 was read the third time, and passed by the following vote:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, Richard Allen, Becton, Burley, Booty, Burnett, Cotton, Camp, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendall, Locke, Lyons, Morrison, Moore of Harrison, Mullins, Medlock, Plumley, Robinson, Ross, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller—44.

Nays—Messrs. Abbott of Hill, Bonner, Chambers, Cooper, Gaston, George, Kyle, Lacy, Lane, Leonard, Morris, Miller, Pierson, Prissick, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt—19.

The title of the bill was agreed to.

Mr. Evans offered the following resolution:

Resolved, That Hon. B. S. Shelburne, Representative from the 21st district, is hereby authorized to draw the amount of money heretofore appropriated to pay the funeral expenses of the late Hon. M. A. Elliott, Representative from the 22d district, and pay the same over to the widow of the deceased.

Resolution read first and second times, and on motion of Mr. Camp, it was adopted.

Mr. Morris moved a suspension of the rules to take up out of its regular order House bill No. 306, to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Jefferson, in Marion county,' Approved September 11, 1866."

Rules suspended and House bill No. 306, was read the second time.

The following amendment, recommended by Committee on Town and City Corporations, was adopted.

Section fourteen, fourth line, after the words "chief of police," add the words, "subject to the approval of a majority of the board of aldermen." Also, in the fifth line of said section, after the word "mayor," add the words "and aldermen."

The bill was then ordered to be engrossed, and read the third time.

On motion of Mr. Slaughter, the rules were further suspended, House bill No. 306 read the third time, passed, and its title was agreed to.

Mr. Jenkins moved a suspension of the rules to take up out of its regular order, House bill No. 329, to be entitled "An Act granting lot No. 128, in block No. 122, in the city of Austin, to the trustees of the Methodist Episcopal Church."

Rules suspended and House bill No. 329 read the second time, ordered to be engrossed, and read the third time.

On motion of Mr. Cooper, the rules were further suspended, House bill No. 329 read the third time, and the yeas and nays being taken, resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Bonner, Cooper, Cotton, Ellis, Hughes, Hamilton, Haswell, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Morrison, Moore of Harrison, McLean, Miller, Pierson, Plumley, Prissick, Ross, Sinclair, Slaughter, Smyth, Stockbridge, Tinsley, Williams of Colorado, Young—33.

Nays—Messrs. Abney, Richard Allen, Burnett, Chambers, Cox, Dupree, Davis, Gaston Grothaus, George, Harn, Hawkins, Locke, Lyons, McKee of Guadalupe, Mullins, Medlock, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Stirman, Tegener, Weaver of of Hunt, Williams of Walker, Weaver of Johnson, Youngkin, Zapp, Zoeller—30.

So the bill did not pass, two-thirds of the members present not voting in the affirmative.

A message was received from the Senate announcing that that body had concurred in the report of committee on free conference on House bill No. 341, and had passed the substitute recommended by the committee. Also, had passed House bill No. 294, with amendments.

Also transmitting enrolled bills, to be entitled "An Act for the relief of the Houston and Texas Central Railway Company," and "An Act to organize, incorporate and aid the East Line and Red River Railroad Company of Texas," announcing that the President of the Senate had signed the same in open session.

The hour having arrived for the consideration of the special order of the day, viz: House bill No. 478, to be entitled "An Act to establish a system of free schools for the State of Texas," on motion of Mr. Slaughter it was postponed until 11:45 A. M.

Mr. Slaughter offered the following concurrent resolutions:

Resolved, That this Legislature recognizes the importance of an early division, upon equitable lines, of this State into two or more States; and to this end,

Resolved, That a committee of five be appointed to act in conjunction with a committee from the Senate to take into consideration this subject, to report at the next session of the Legislature.

Resolutions read first and second times.

Mr. Sinclair moved that it be made the special order for Friday, at 10 o'clock A. M.

Lost.

Mr. Hughes moved that the resolutions be rejected, upon which motion the yeas and nays were called for by Messrs. R. Allen, Zapp and Locke, and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, Becton, Burley, Booty, Bonner, Chambers, Camp, Cox, Dorris, Ellis, Franks, Gardiner, Hughes, Hamilton, Jenkins, Kyle, Mc_ , of Harrison, McKee of Guadalupe, Medlock, Miller, Moore of Red River, Plumley, Schlotman, Sinclair, Smyth, Stockbridge, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin—34.

Nays—Messrs. Richard Allen, Abbott of Hill, Cooper, Cotton, Dupree, Davis, Gaston, Grothaus, George, Harn, Hawkins, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Morris, McLean, Mullins, Pierson Prissick, Robinson, Ross, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Stirman, Shelburne, Tegener, Tinsley, Williams of Walker, Zoeller—37.

So the House refused to reject the resolution.

Mr. Zoeller moved the adoption of the resolution, upon which motion the yeas and nays were called for by Messrs. Schutze, R. Allen and Davis, and resulted as follows:

Yeas—Messrs. Richard Allen, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Gaston, Gardiner, Harn, Hawkins, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Moore of Harrison, Morris, McLean, Mullins, Medlock, Pierson, Prissick, Robinson, Ross, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Stirman, Shelburne, Tegener, Tinsley, York, Youngkin, Zoeller—40.

Nays—Messrs. Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Burley, Booty, Bonner, Chambers, Cox, Dorris, Ellis, Franks, Grothaus, George, Hughes, Hamilton, Jenkins, Kyle,

McKee of Guadalupe, Miller, Moore of Red River, Posey, Plumley, Schlotman, Sinclair, Smyth, Stockbridge, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young—32.

So the concurrent resolution was adopted.

Special order resumed, viz: House bill No. 478, to be entitled "An Act to establish a system of free schools for the State of Texas."

The question pending at adjournment yesterday was on the amendment offered by Mr. Schutze, to strike out all after the word "act," in line two of section eight. By leave Mr. Schutze withdrew the amendment.

Mr. Camp moved to amend section eight by adding the following:

"Provided, that nothing contained in this section shall authorize the payment of any portion of the school fund to any private teacher, or other person, not empolyed by the trustees of a school district wherein there shall be a public free school."

Mr. Locke moved to amend the amendment by adding the following: "And provided, further, that no sectarian doctrines shall be taught in said private schools."

Amendment to the amendment adopted.

Mr. Lane moved a call of the House.

Call sustained.

Absent—Messrs. Haswell, Posey, Mitchel, Ross and Young.

Mr. Haswell was excused from attendance for the day.

On motion of Mr. Morris the call of the House was suspended.

The question recurring on the adoption of the amendment offered by Mr. Camp as amended, the yeas and nays were called for by Messrs. Jo. Abbott, Lane and Schutze, and resulted as follows:

Yeas—Messrs. Speaker, Abney, H. R. Allen, Richard Allen, Becton, Burley, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Johnson, Kendall, Locke, Morrison, H. Moore, Morris, J. F. McKee, Mullins, Medlock, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, Weaver of Hunt, R. Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—44.

Nays—Messrs. Abbott, of Hill, Booty, Bonner, Chambers, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Miller, R. L. Moore, Pierson, Prissick, Ross, Simmons, Sinclair, Smyth, Stirman, Shelburne, J. C. Weaver, York—25.

So the amendment as amended was adopted.

Mr. Schutze moved to amend section s xteen by adding the following:

"And the board of school directors may permit in any public school in their respective counties that, in connection with the English branches of education, any foreign language may be taught."

Amendment adopted.

Mr. Schutze moved to amend section eighteen by adding the following:

"And every child, between the ages of six and sixteen years, shall attend a public school at least four months in each year, unless it be prevented by sickness; provided, that when any of the scholastic inhabitants may be shown to have received regular instruction for said period of time in each and every year, from any private teacher having a proper certificate of competency, this shall exempt them from the operation of this section."

Amendment adopted.

A message was received from the Senate, announcing that that body had passed House bill No. 260 and Senate bill No. 319, asking the concurrence of the House in the latter.

Mr. Robinson offered the following, to be known as section twenty-two:

SEC. 22. Nothing contained under the provisions of this act shall be so construed, as to provide for the organization and maintenance of separate free schools based on the distinction of color:" and this "act shall take effect and be in force from and after its passage."

Mr. Camp moved to lay the proposed new section on the table; upon which motion the yeas and nays were called for by Messrs. R. Allen, Locke and Robinson, and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Davis, Ellis, Franks, Gaston, Grothaus, George, Hughes, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Morris, McLean, McKee of Guadalupe, Miller, Moore of Red River, Pierson, Plumley, Prissick, Ross, Schlickum, Schlotman, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Hunt, Weaver of Johnson, York, Youngkin, Zapp, Zoeller—56.

Nays—Messrs. Richard Allen, Burley, Cox, Dupree, Dorris, Harn, Hamilton, Kendall, Moore of Harrison, Mullins, Medlock, Robinson, Sheriff, Williams of Walker, Williams of Colorado—15.

So the proposed new section was laid on the table.

Mr. Schutze offered the following to be known as section twenty-two.

SEC. 22. It shall be the duty of the board of directors of each

school district at the close of each fiscal year to transmit proper information to the justice of the peace of their respective precincts, naming therein the parents or guardians of such child or children who have failed to send their child or children to any school for the period of four months in each year, except in the cases named in section eighteen; who shall summon said parent or guardian, and upon conviction the parent or guardian thus offending shall be fined in a sum not less than five nor more than one hundred dollars.

On motion of Mr. Posey the proposed section was laid on the table.

Mr. Jo. Abbott moved that the House adjourn until nine o'clock A. M. to-morrow.

Lost.

Mr. Franks offered the following to be known as section twenty-two.

SEC. 22. That this act take effect and be in force from and after its passage.

Amendment adopted.

Mr. Jo. Abbott moved that the House adjourn.

Lost.

Mr. Jenkins offered a substitute for the bill.

Mr. Grothaus moved that the House adjourn.

Lost.

Mr. Slaughter moved the previous question.

Previous question seconded.

The question recurring "Shall the main question be now put?" the main question was ordered.

The main question being first on the adoption of the substitute offered by Mr. Jenkins, the yeas and nays were called for by Messrs. McLean, Jenkins and Smyth, and resulted as follows:

Yeas—Messrs. Abbott of Hill, Becton, Booty, Bonner, Chambers, Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Moore of Red River, Posey, Pierson, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, York—27.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Grothaus, George, Harn, Hamilton, Kendall, Locke, Morrison, Moore of Harrison, McKee of Guadalupe, Mullins, Medlock, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—39.

So the House refused to adopt the substitute.

The question recurring on the engrossment and third reading of

the bill, the yeas and nays were called for by Messrs. Hughes, Leonard and Jenkins, and resulted as follows:

Yeas—Messrs C. L. Abbott, H. R. Allen, R. Allen, Becton, Burley, Booty, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Grothaus, George, Harn, Hamilton, Kendall, Locke, Lyons, Morrison, Henry Moore, J. J. McKee, Mullins, Metlock, R. L. Moore, Posey, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, S. S. Weaver, R. Williams, B. S. Williams, Youngkin, Zapp, Zoeller—43.

Nays—Messrs. Jo. Abbott, Bonner, Chambers, Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Pierson, Prissick, Ross, Simmons, Sinclair, Smyth, Stirman, Shelburne, J. C. Weaver, York—24.

So the bill was ordered to be engrossed, and read a third time.

Mr. Camp moved a suspension of the rules to put the bill on its final passage.

Upon which motion the yeas and nays were called for by Messrs. Leonard. Je kins and Smyth, and resulted as follows:

Yeas—Messrs. C. L. Abbott, H. R. Allen, Richard Allen, Becton, Burley, Booty, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Grothaus, George, Harn, Hamilton, Kendall, Locke, Lyons, Morrison, Henry Moore, McKee of Guadalupe, Mullins, Medlock, R. L. Moore, Posey, Plumley, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Weaver of Hunt, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—46.

Nays—Messrs. Jo. Abbott, Bonner, Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Pierson, Prissick, Simmons, Smyth, Stirman, Shelburne, Weaver of Johnson, York - 21.

So the rules were suspended.

Mr. Hughes moved that the House adjourn.

Lost.

House bill No. 478 read the third time, and passed by the following vote; the yeas and nays being called for by Messrs. Booty, Locke and Tegener:

Yeas—Messrs. Speaker, C. L. Abbott, H. R. Allen, R. Allen, Burley, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Grothaus, George, Harn, Hamilton, Kendall, Locke, Manning, Morrison, H. Moore, J. F. McKee, Mullins, Medlock, R. L. Moore, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—40.

Nays—Messrs. Jo. Abbott, Becton, Booty, Bonner, Chambers,

Ellis, Gaston, Hughes, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Posey. Pierson, Prissick, Ross, Simmons, Sinclair, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, York—28.

The title of the bill was agreed to.

Mr. Hawkins moved that the House adjourn.

Lost.

On motion of Mr. Plumley the rules were suspended to allow the reading of the following message from the Governor:

EXECUTIVE OFFICE
Austin, July 29, 1870,

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: I have the honor to inform you that the following named acts have been received by me and approved, to wit:

115. "An Act to provide for the registration of voters," approved July 11, 1870.

Senate bill No. 40, "An Act to provide for permanently locating the county seat of Robertson county," approved July 12, 1870.

17. "An Act to incorporate the Jewish Congregation B'nai Israel of Galveston, Texas," approved July 13, 1870.

Senate bill No. 165, "An Act making an appropriation for certain purposes," approved July 13, 1870.

83. "An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin," approved July 19, 1870.

188. "An Act granting certain real estate to the city of Austin," approved July 19, 1870.

Senate bill No. 256. "An Act to organize the county of Presidio," approved July 19, 1870.

Senate bill No. 17. "An Act to incorporate the City Bank of Houston," approved July 21, 1870.

146. "An Act legalizing the acts of the police court of Goliad county in acting under the acts of the Legislature of 1866," approved July 22, 1870.

405. "An Act to prescribe the time of the annual meetings of the Legislature," approved July 22, 1870.

183. "An Act legalizing a special tax levied by military order," approved July 22, 1870.

7. "An Act to authorize district judges and district clerks to approve bonds of county officers in certain cases," approved July 22, 1870.

Senate bill No. 55. "An Act to organize and define the powers of the Criminal District Court in and for the counties of Galveston

and Harris, and to prescribe the duties thereof," approved July 23 1870.

139. "An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston," approved July 28, 1870.

Senate bill No. 139, "An Act to incorporate the Harrison County Agricultural and Mechanical Association," approved July 28, 1870.

19. "An Act to incorporate Pennington College," approved July 28, 1870.

421. "An Act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Pennington College, in Trinity county, Texas," approved July 28, 1870.

Senate bill No. 130, "An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," approved July 28, 1870.

371. "An Act to authorize John Blankenship to erect a toll bridge over Tehuacana creek, in the county of McLennan, Texas," approved July 28, 1870.

Senate bill No. 87, "An Act providing for the payment of district attorneys *pro tem.*," approved July 28, 1870.

Respectfully,

EDMUND J. DAVIS,
Governor.

EXECUTIVE OFFICE,
Austin, Texas, August 2, 1870.

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: Among other matters, which I hope may receive attention before your adjournment, is that of providing for ascertaining the present debt of the State, and for the payment of the same.

Section 34, of article 12, general provisions, provides that "all the ten per cent. warrants issued for military services, and exchanged during the rebellion, at the Treasury for non-interest warrants, are hereby declared to have been fully paid and discharged."

Under this section some arrangements must be made to ascertain which of those warrants are still valid. I trust that your honorable body may find time to attend to this matter. Justice to the parties who hold these claims, as well as a due respect for the reputation of the State, requires that we should provide for the payment without delay, of such of them as are still valid.

Respectfully,

EDMUND J. DAVIS,
Governor.

The former message was laid on the table and the latter referred to the Committee on Public Debt.

Mr. Tegener moved that the House adjourn until 9 o'clock A. M. to-morrow.

Lost.

On motion of Mr. Plumley the House, at 2 o'clock P. M., adjourned until the usual hour this evening.

EVENING SESSION.

8:30 o'CLOCK P. M.

House met pursuant to adjournment. Speaker Evans in the chair. Roll called; no quorum present.

Mr. Lyons was excused from attendance on account of illness.

Mr. Grothaus moved that the House take a recess for ten minutes.

Lost.

Mr. Grothaus moved a call of the House.

Call sustained.

Absent—Messrs. Abney, Dupree, Davis, Dorris, Gaston, Hughes, Harn, Hawkins, Kyle, Morrison, Mitchel, Miller, Posey, Pierson, Schlotman, Simmons and Tegener.

Quorum present.

Mr. Schlotman was excused from attendance for the evening.

On motion of Mr. Jenkins the call of the House was suspended.

Mr. Jenkins moved a suspension of the rules to take up, out of its regular order, House bill No. 152, to be entitled "An Act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within four miles of Greenwood Masonic Institute."

Rules suspended, and House bill No. 152 read the second time.

On motion of Mr. Grothaus the bill was amended by striking out the words "four miles, where they occur, and inserting the words "two miles" in lieu thereof.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Franks the rules were further suspended, House bill No. 152 read the third time, passed, and the title, after being amended by striking out the word "four" and inserting the word "two," was agreed to.

Mr. Cooper moved a suspension of the rules, to take up, out of its regular order, Senate bill No. 26, upon which motion the yeas and nays were called for by Messrs, Schutze, Tegener and Robinson, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Bonner, Chambers, Cooper, Cotton, Camp, Ellis, Franks, Gardiner, George, Haswell, Johnson, Jenkins, Kyle, Morris, McLean, Moore of Red River, Plumley, Prissick, Ross, Sinclair, Slaughter. Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, Youngkin—34.

Nays—Messrs. Abbott of Austin, Richard Allen, Burnett, Cox, Grothaus, Harn, Hamilton, Hawkins, Kendall, Lacy, Lane, Leonard, Locke, Morrison, Moore of Harrison, McKee of Guadalupe, Mullins, Medlock, Robinson, Schlickum, Schutze, Sheriff, Stockbridge, Tegener, Williams of Walker, Williams of Colorado, York, Zapp, Z eller—29.

So the rules were not suspended.

Mr. Harn moved a suspension of the rules to take up out of its regular order Senate bill No. 16, to be entitled "An Act to incorporate the Germania Saving, Trust and Exchange Company."

Rules suspended and Senate bill No. 16 read the first time.

On motion of Mr. Harn the rules were further suspended, Senate bill No. 16 read the second time, and ordered to be read the third time.

On motion of Mr. Harn the rules were further suspended, Senate bill No. 16 read the third time, passed, and its title was agreed to.

Mr. J. C. Weaver moved a suspension of the rules to take up out of its regular order Senate bill No. 98, to be entitled "An Act for the relief of John H. Swofford, assessor and collector of Johnson county, and his sureties, and Elbert M. Heath, deputy assessor and collector, and his sureties."

Rules suspended and Senate bill No. 98 read the first time.

On motion of Mr. Weaver the rules were further suspended, Senate bill No. 98 read the second time, and ordered to be read the third time.

On motion of Mr. Grothaus the rules were further suspended, Senate bill No. 98 read the third time, passed, and its title agreed to.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August, 2, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives.:

SIR: Your committee, to whom House bills Nos. 329, 440, 483, 484 and 486 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
C. J. STOCKBRIDGE.
Chairman of Committee.

Report accepted and a messenger was dispatched to the Senate with the bills.

Mr. Leonard moved a suspension of the rules to take up out of its regular order House bill No. 356, to be entitled "An Act to prohibit the sale or distribution of spirituous, vinous or other intoxicating liquors, the establishing of any drinking saloon, gambling house, or house of ill fame within certain limits."

The yeas and nays were called for by Messrs. Schutze, Tegener and Slaughter, and resulted as follows:

Yeas—Messrs. Austin, C. L. Abbott, H. R. Allen, R. Allen, Becton, Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Ellis, Franks, Gaston, Gardiner, Hughes, Hamilton, Haswell, Hawkins, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Morrison, Morris, McLean, McKee of Guadalupe, Mullins, Moore of Red River, Plumley, Prissick, Robinson, Ross, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Weaver of Hunt, Williams of Walker, Young, York, Youngkin—48.

Nays—Messrs. Grothaus, George, Harn, Kendall, Moore of Harrison, Medlock, Schlickum, Schutze, Sheriff, Stockbridge, Tegener, Williams of Colorado, Zapp—13.

So the rules were suspended and the bill read the second time.

On recommendation of the Committee on Education the bill was amended by striking out section three.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Franks the rules were further suspended, House bill No. 356 read the third time, passed and its title agreed to.

Mr. Schutze moved that the House adjourn.

Lost.

Mr. Chambers moved a suspension of the rules to take up out of its regular order House bill No. 185, to be entitled "An Act to incorporate the Cedar Bayou Bar Company."

Rules suspended and House bill No. 185 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Johnson the rules were further suspended, House bill No. 185 read the third time, passed and its title agreed to.

Mr. H. R. Allen moved a suspension of the rules, to take up out of its regular order House bill No. 389, to be entitled "An Act to incorporate the Land Owners' Association of Texas."

Rules suspended and bill read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Slaughter the rules were further suspended, House bill No. 389 read the third time, passed and its title agreed to.

Mr. Schutze moved a suspension of the rules to take up out of its regular order a bill (House bill No. 487), to be entitled "An Act to repeal an act to prevent the sale of intoxicating drinks within the limits of a league of land in Fayette county, granted to Franklin Lewis, on which the town of Rutersville is situated."

The yeas and nays were called for by Messrs. Sinclair, Franks and Robinson, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Richard Allen, Becton, Burley, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Ellis, Franks, Gaston Grothaus, George, Hughes, Harn, Hamilton, Haswell, Hawkins, Jenkins. Kyle, Kendall, Lacy, Lane, Leonard, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Robinson, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller—57.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Booty, Bonner, Weaver of Hunt—5.

So the rules were suspended and bill read the first time.

On motion of Mr. Zapp the rules were further suspended, House bill No. 487 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Schutze the rules were further suspended, House bill No. 487 read the third time, passed and its title agreed to.

Mr. Johnson moved a suspension of the rules, to take up out of its regular order House bill No. 154, to be entitled "An Act to amend an act entitled 'An Act to incorporate the Caddo Lake Manufacturing Company,' approved November 1, 1866."

Rules suspended and House bill No. 154 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Franks the rules were further suspended, House bill No. 154 read the third time, passed and its title agreed to.

Mr. Lane moved a suspension of the rules, to take up out of its regular order House bill No. 195, to be entitled "An Act for the relief of James P. Goodnight, late Assessor and Collector of Dallas county, and his sureties."

Rules suspended and bill read the second time.

On motion of Mr. Harn section one was amended by striking out the words "more or less."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Lane the rules were further suspended, House bill No. 195 read the third time, passed and its title agreed to.

Mr. Bonner moved that the House adjourn.

Lost.

Mr. Richard Allen moved a suspension of the rules to take up, out of its regular order, House bill No. 283, to be entitled "An Act to incorporate the Houston City Street Railway Company."

Rules suspended and House bill No. 283 read the second time.

The following amendments, recommended by the Committee on Internal Improvements, were adopted:

In section six add after word "constitution" the two words "and laws," and in same section strike out all after word "incorporation," and add "no by-law shall take effect until approved by a majority of the stockholders."

Insert as a section, to be known as section eleven, the following:

"*Be it further enacted*, That all acts, laws, or parts of laws, ordinances or declarations conflicting with this act of incorporation, be and the same are hereby repealed; provided, that nothing herein contained shall annul or set aside any ordinances or laws of the City Council of the city of Houston."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Harn the rules were further suspended, House bill No. 283 read the third time, passed and its title agreed to.

A message was received from the Senate announcing that that body had passed House bill No. 424, and reconsidered their action on Senate bill No. 82, and rejected the House amendments.

Mr. Kyle moved a suspension of the rules to take up, out of its regular order, Senate bill No. 50, to be entitled "An Act to incorporate the Young Men's Real Estate and Building Association of the city of Austin."

Rules suspended and Senate bill No. 50 read the first time.

On motion of Mr. Franks the rules were further suspended, Senate bill No. 50 read the second time, and ordered to be read the third time.

On motion of Mr. Jenkins the rules were further suspended, Senate bill No. 50 read the third time, passed and its title agreed to.

Mr. McLean moved a suspension of the rules to take up, out of its regular order, House bill No. 454, to be entitled "An Act providing for the appointment of public weighers of cotton at important points within the State of Texas, and prescribing the fees and duties thereof."

Rules suspended.

The question pending at the time of adjournment on the 28th ult., was on the amendment offered by Mr. Morrison, to insert in section six, after the word "Governor," the words "for cause."

Amendment adopted.

Mr. Mullins moved that the House adjourn.

Lost.

On motion of Mr. Jenkins, sections eight and nine were amended by inserting after the word "cotton," wherever it occurs, the words "or wool."

On motion of Mr. Plumley, section ten was amended by inserting after the word "weigher," the words "or weighers."

On motion of Mr. Plumley, section eleven was amended by striking out the word "twenty," and inserting in lieu thereof the word "fifteen."

Mr. C. L. Abbott moved to reconsider the vote by which section eleven was amended; upon which motion the yeas and nays were called for by Messrs. C. L. Abbott, Grothaus and Harn, and the roll being called it was found there was not a quorum present.

On motion of Mr. Grothaus, the House, at 10:15 P. M., adjourned until the usual hour to-morrow morning.

HOUSE OF REREPRESENTATIVES,

AUSTIN, TEXAS, August 3, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Absent, Mr. Mitchel.

On motion of Mr. Franks the reading of yesterday's journal was dispensed with.

Mr. Mitchel was excused from attendance for the day.

Mr. Zapp presented a petition, signed by citizens of Fayette county, relative to the creation of a new county, which was read and referred to the Committee on Counties and County Boundaries.

Mr. Burnett, Chairman of the Committee on Judiciary, submitted the following report:

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary to whom was referred joint resolution No. 22, entitled "Joint Resolution in relation to the salaries of provisional district judges," having duly considered the same, instruct me to report it back with a recommendation that it be passed.

Very respectfully,

BURNETT,
Chairman.

Report and joint resolution passed to orders of the day.

Mr. Morris, Chairman of the Committee on Town and City Corporations, submitted the following reports:

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations to whom was referred House bill No, 472, entitled "An Act to incorporate the town of Tyler," having carefully examined said bill respectfully return the same without amendment, and with the recommendation that it do pass.

C. D. MORRIS,
Chairman.

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporation, to whom was referred House bill No. 449, entitled "An Act to incorporate the town of Millican, county of Brazos," having carefully examined said bill, respectfully return the same without amendment, and with the recommendation that it do pass.

C. D. MORRIS,
Chairman.

Reports and bills passed to orders of the day.

Mr. McKee, Chairman of the Committee on Claims and Accounts, submitted the following report:

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 480, entitled "An Act for the relief of David Cole, or his assignees," having duly and carefully examined the same, report it back to your honorable body with the recommendation that it pass.

Respectfully,
J. F. McKEE,
Chairman Committee on Claims and Accounts.

Mr. McKee moved a suspension of the rules to take up House bill No. 480, to be entitled "An Act for the relief of David Cole."

Rules suspended and House bill No. 480 read the second time.

On motion of Mr. Grothaus, the rule requiring bills making appropriations to be considered in Committee of the Whole was suspended in this case, and the bill ordered to be engrossed and read the third time.

On motion of Mr. Camp, the rules were further suspended. House bill No. 480 read the third time and passed by the following two-thirds vote:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, George, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Leonard, Locke, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mullins, Pierson Plumley, Prissick, Schlickum, Schutze, Simmons, Slaughter, Smyth, Stockbridge, Shelburne, Tegener, Tinsley, Williams of Walker, Weaver of Hunt, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—53.

Nays---Messrs. Chambers, Gaston, Grothaus, Johnson, Stirman, Weaver of Johnson—6.

The title of the bill was agreed to.

Mr. Schutze rose and made an explanation regarding some remarks he made last night to Mr. Plumley.

Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bill No. 306 has been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed

Very respectfully,

STOCKBRIDGE,
Chairman of Committee.

Report accepted, and a messenger was dispatched to the Senate with the bill.

Mr. Robinson. Chairman of the Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I have the honor to report that House bills Nos. 32, 41, 65, 167, 266, 322, 352 and 432 have this day been presented to the Governor for approval.

ROBINSON,
Chairman.

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I am instructed to report that House bills Nos. 91 and 350 have this day been presented to his Excellency, the Governor, for approval.

Respectfully,

ROBINSON,
Chairman.

Reports accepted.

Mr. Burnett moved that a committee of three be appointed to

confer with a like committee of the Senate on amendments to Senate bill No. 82.

Carried.

The Speaker appointed Messrs. Harn, Jenkins and Mullins such committee, and a messenger was dispatched to the Senate to notify that body of this action.

Mr. Abney introduced a bill to be entitled "An Act to incorporate the Texas Central Immigration Company."

Bill read the first time and referred to the Committee on Immigration.

Mr. Camp introduced a bill to be entitled "An Act to incorporate the Gulf Coast Agricultural, Mechanical, Blood Stock and Fair Association.

Bill read the first time and referred to the Committee on Agriculture and Stock Raising.

Mr. Shelburne introduced a bill to be entitled "An Act for the relief of Simon P. Burns, late sheriff of Collin county."

Bill read the first time and referred to the Committee on Finance.

Mr. Sinclair moved a suspension of the rules to take up out of its regular order House bill No. 358, to be entitled "An Act to incorporate the Bean's Wharf Warehouse and Cotton Compress Company, of the city of Galveston."

Rules suspended and bill read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Sinclair the rules were further suspended, House bill No. 358 read the third time, passed and its title agreed to.

Mr. Plumley moved a suspension of the rules to take up out of its regular order House bill No. 416, to be entitled "An Act to incorporate the Screwmen's Benevolent Association, of Galveston."

Rules suspended and bill read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Plumley the rules were further suspended, House bill No. 416 read the third time, passed and its title agreed to.

Mr. Plumley moved a suspension of the rules to take up out of its regular order House bill No. 70, to be entitled "An Act granting to the Galveston Wharf Company the right to make railroad connection with their wharves and the railroads entering the city of Galveston."

Rules suspended and bill read the second time.

Mr. Sinclair moved to amend section one by inserting in line four after the words "Avenue A," the words, "until it has crossed Bean's wharf, and thence along Avenue A."

Amendment adopted.

Mr. Sinclair offered the following amendment to section one, line six, to be inserted after the words "wharves of said company:"

"Provided, that whenever said railroad crosses Bean's Wharf, on avenue A, it shall run a switch to the T head thereof, if requested by the owners of said wharf, and shall furnish all necessary and proper rolling stock upon said switch at Bean's Wharf to enable said wharf to receive with dispatch all articles shipped to said wharf, or coming to said wharf for shipment, and to load and transport all articles landed at said wharf, and shall deliver and remove the same with the same dispatch and upon the same terms and conditions that articles are received, taken and removed from any other switch at any other wharf along the line of said road."

On motion of Mr. Schutze the amendment was adopted.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Plumley the rules were further suspended, House bill No. 70 read the third time, passed and its title agreed to.

Mr. Grothaus moved a suspension of the rules to take up, out of its regular order, House bill No. 262, to be entitled "An Act to regulate mechanics' and other liens, and to provide for enforcing the same."

Rules suspended and House bill No. 262 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Slaughter the rules were further suspended, House bill No. 262 read the third time, passed and its title agreed to.

Mr. Franks moved a suspension of the rules to take up, out of its regular order, House bill No. 327.

Rules suspended and bill made the special order for nine o'clock this evening.

Mr. Burnett moved a suspension of the rules to take up, out of its regular order, Senate bill No. 218, to be entitled "An Act regulating public printing."

Rules suspended and Senate bill read the first time.

On motion of Mr. Burnett the rules were further suspended, Senate bill No. 218 read the second time and ordered to be read the third time.

Special order of the day, viz: The veto message of the Governor of "An Act for the relief of the East Texas Railroad Company," on motion of Mr. Slaughter was postponed and made the special order for Saturday next, at 10 A. M.

Mr. Abney moved a suspension of the rules to take up, out of its regular order, House bill No. 338, "An Act to establish the Sabine Pass and Red River Railway Company."

Rules suspended, and the bill was made the special order for Friday next, at 10 o'clock A. M.

Mr. Burley moved a suspension of the rules to take up, out of its regular order, Senate bill No. 301, to be entitled "An Act to incorporate the Calvert Bridge Company"

Rules suspended and Senate bill No. 301 read the first time.

On motion of Mr. Burley the rules were further suspended, Senate bill No. 301 read the second time, and ordered to be read the third time.

On motion of Mr. Slaughter, the rules were further suspended, Senate bill No. 301 read the third time, passed, and its title agreed to.

Mr. Morrison moved a suspension of the rules to take up out of its regular order, House bill No. 395, to be entitled "An Act making an appropriation for the purpose of covering a deficiency in the amount appropriated by the commanding gene.al fifth military district, for the purpose of having made a copy of the lists of the registered voters in the State of Texas.

Rules suspended and bill read the second time.

On motion of Mr. Sinclair, the rule requiring all bills making appropriations to be considered in Committee of the Whole, was suspended in this case.

The bill was then ordered to be engrossed, and read the third time.

On motion of Mr. Slaughter, the rules were further suspended, House bill No. 395 read tne third time, and passed by the following vote:

Yeas—Messrs. Abney, R. Allen, Becton, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Kendall, Lacy, Leonard, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Tinsley, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp—41.

Nays—Messrs. Austin, Abbott of Anstin, Booty, Bonner, Chambers, Ellis, Haswell, Johnson, Jenkins, Kyle, Miller, Posey, Ross, Simmons, Smyth, Stirman, Tegener, Weaver of Hunt—18.

The title of the bill was agreed to.

[Mr. Burnett in the chair.]

Mr. Harn moved a suspension of the rules to take up out of its regular order, Senate bill No. 15, to be entitled "An Act to incorporate the German Land and Improvement Association."

Rules suspended and bill read the first time.

On motion of Mr. Harn, the rules were further suspended and

Senate bill No. 15 read the second time, and ordered to be read the third time.

On motion of Mr. Harn the rules were further suspended, Senate bill No. 15 read the third time, passed, and its title agreed to.

Mr. Cooper moved a suspension of the rules to take up out of its regular order, House bill No. 466; upon which motion the yeas and nays were called for by Messrs. Cooper, Pierson and R. Allen, and resulted as follows:

Yeas—Messrs. Austin, Abney, Beeton, Burley, Booty, Burnett, Bonner, Chambers, Cooper, Camp, Davis, Gaston, Gardiner, Grothaus, George, Harn, Jenkins, Kyle, Kendall, Lacy, Lane, Morrison, Moore of Harrison, McLean, Miller, Posey, Pierson, Plumley, Robinson, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Tinsley, Weaver of Johnson, Young, York, Youngkin—44.

Nays—Messrs. Abbott of Austin, Richard Allen, Dupree, Dorris, Hamilton, Johnson, Locke, Mullins, Medlock, Prissick, Schlotman, Tegener, Weaver of Hunt, Williams of Walker, Williams of Colorado, Zapp, Zoeller—17.

Rules suspended, and on motion of Mr. Plumley the bill was made the special order for to-morrow at 10:30 A. M.

Mr. Miller moved a suspension of the rules to take up out of its regular order House bill No. 336, to be entitled "An Act to incorporate Austin Hook and Ladder Company No. 1 of the city of Austin."

Rules suspended and bill read the second time.

Mr. Miller moved that the following amendment, recommended by the Committee on Town and City Corporations, be laid on the table:

In section four, line five, after the words "shall be exempt," strike out the words "from duty in the militia and."

Lost.

The question recurring on the adoption of the amendment, it was adopted.

Mr. Miller moved to lay on the table the following amendment recommended by the Committee on Town and City Corporations:

In section four, line thirteen, after the word "company" strike out the words "from duty in the militia and."

A message was received from the Senate transmitting House bills Nos. 98 and 200, announcing that the Senate had passed the same.

Mr. R. Allen moved a call of the House.

Call sustained.

Absent—Messrs. C. L. Abbott, Hughes, Haswell, Lyons and Locke.

Mr. Locke was excused from attendance for the day.

On motion of Mr. Burley the call was suspended.

The question recurring on the motion of Mr. Miller to lay the amendment on the table, the yeas and nays were called for by Messrs. Kyle, Miller and Jenkins, and resulted as follows:

Yeas—Messrs. H. R. Allen, Becton, Burley, Booty, Bonner, Chambers, Camp, Ellis, Gaston, Harn, Hamilton, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, McLean, Medlock, Miller, Moore of Red River, Posey, Plumley, Ross, Schlotman, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, Zoeller—40.

Nays—Messrs. R. Allen, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, George, Kendall, Moore of Harrison, Morris, McKee of Guadalupe, Mullins, Pierson, Prissick, Robinson, Schlickum, Schutze, Sheriff, Tinsley, Williams of Colorado, Zapp—24.

So the amendment was laid on the table.

The hour having arrived for the consideration of business as provided for in resolution adopted July 2, on motion of Mr. Franks it was postponed until the business now under consideration is disposed of.

House bill No. 336 was then ordered to be engrossed and read the third time.

On motion of Mr. Miller the rules were further suspended, House bill No. 336 read the third time, passed and its title agreed to.

A messenger was dispatched to the Senate with Senate bills Nos. 15 and 301.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. IRA H. EVANS
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have examined House bills Nos. 133, 177 and 410, and find the same correctly enrolled.

WILLIS G. ROBINSON,
Chairman.

Report accepted, enrolled bills signed by the Speaker and sent to the Senate.

[Special order resumed.]

On motion of Mr. Schutze the bills on the special order were passed over, to take up House bill No. 429, to be entitled "An Act to incorporate the Colorado Valley Immigration Company."

The question pending at adjournment, July 26, was the proposed

new section offered by Mr. McLean, which, on motion of Mr. Schutze, was laid on the table.

Mr. Schutze moved to amend section six by striking out the words "between the ages of fourteen and forty years," and inserting in lieu thereof the words "between the ages of seven and fifty years."

Amendment adopted.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Jenkins the rules were further suspended, and House bill No. 429 read the third time.

Mr. Robinson moved to amend section six, by striking out the words "between the ages of seven and fifty years," and inserting in lieu thereof the words "between the ages of fifteen and forty years."

Amendment lost.

[Speaker in the Chair.]

The question being on the final passage of the bill, the yeas and nays were called for by Messrs. Cooper, R. Allen and Robinson, and resulted as follows:

Yeas—Messrs. C. L. Abbott, Becton, Burley, Booty, Bonner, Camp, Cox, Davis, Johnson, Jenkins, Kyle, Lacy, Lane, Lyons, Morrison, Henry Moore, McLean, J. F. McKee, Medlock, Miller, Posey, Pierson, Plumley, Prissick, Ross, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, S. S. Weaver, J. C. Weaver, Youngkin, Zapp—39.

Nays—Messrs. Abney, Richard Allen, Burnett, Cooper, Cotton, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hamilton, Kendall, Leonard, Morris, R. L. Moore, Robinson, Schlickum, Schlotman, Sheriff, R. Williams. B. F. Williams, Young, Zoeller—26.

So the bill passed and its title was agreed to.

House bill No. 299, to be entitled "An Act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1870," read second time.

The following amendment recommended by the Committee on Finance was then adopted, viz: "By allowing, in addition to allowances for the executive department, for the contingent expenses of the Governor's mansion, the amount of five thousand dollars."

The question then being upon the amendment of the committee to increase the salary of the Superintendent of the Deaf and Dumb Asylum, from fifteen hundred to two thousand dollars per annum, the yeas and nays were called for by Messrs. Leonard, Smyth and Lacy, and resulted as follows:

Yeas—Messrs. Abney, H. R. Allen, Richard Allen, Burnett, Camp, Dupree, Johnson, Lacy, Plumley, Prissick, Ross, Schlickum, Schlotman, Schutze, Slaughter, Shelburne, Tinsley, Zapp, Zoeller—19.

Nays—Messrs. Austin, Jo. Abbott, Becton, Burley, Booty, Chambers, Cooper, Cotton, Cox, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hughes, Hamilton, Haswell, Jenkins, Kyle, Kendall, Leonard, Lyons, Henry Moore, McLean, J. F. McKee, Mullins, Medlock, Miller, R. L. Moore, Posey, Pierson, Robinson, Sheriff, Simmons, Smyth, Stirman, Stockbridge, Tegener, S. S. Weaver, R. Williams, J. C. Weaver, B. F. Williams, Young, Youngkin—46.

So the amendment was lost.

Mr. Tegener moved to reconsider the vote just taken.

The House refused to reconsider.

A message was received from the Senate transmitting Senate bill No. 296, and asking the concurrence of the House in the same.

The question then recurred upon the following amendment recommended by the Committee on Finance, viz: "to increase the salary of the Superintendent of the Blind Asylum from fifteen hundred to two thousand dollars per annum," upon which the yeas and nays were called for by Messrs. Slaughter, Leonard and Cooper, and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Burley, Burnett, Dupree, Grothaus, Haswell, Johnson, Lacy, Mullins, Miller, Plumley, Schlotman, Schutze, Slaughter, Stockbridge, Shelburne, Tegener, Tinsley, Williams of Walker, Zapp, Zoeller—22.

Nays—Messrs. Austin, Abbott of Austin, Becton, Booty, Chambers, Cooper, Cotton, Cox, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, George, Harn, Hamilton, Jenkins, Kyle, Kendall, Lane, Leonard, Lyons, Moore of Harrison, McLean, Moore of Red River, Posey, Pierson, Prissick, Robinson, Ross, Schlickum, Sheriff, Simmons, Symth, Stirman, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin—42.

So the amendment was lost.

Mr. Franks moved that the rule requiring all bills making appropriations to be considered in Committee of the Whole House, be suspended in this case.

Lost.

On motion of Mr. Franks, the House, at 12:15 o'clock P. M., adjourned until 8:30 this evening.

EVENING SESSION.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called; quorum present.

Mr. B. F. Williams was excused from attendance for the evening.

A message was received from the Senate, transmitting House bills Nos. 13, 53, 60, 105, 123, 264, 355, 438, 463 and 484, announcing that that body had passed the same; also, transmitting Senate bill No. 51, to be entitled "An Act providing for a geological survey of the State of Texas," asking the concurrence of the House in the same; also, announcing that the Senate had concurred in House amendments to Senate bill No. 201.

Mr. Locke was excused from attendance indefinitely, on account of sickness.

Mr. Zoeller was excused from attendance for the evening.

Mr. Franks moved a suspension of the rules, to take up out of its regular order Senate bill No. 262, to be entitled "An Act to change the present boundaries of Burleson and Brazos counties."

Rules suspended and Senate bill No. 262 read the first time.

On motion of Mr. Franks the rules were further suspended, and Senate bill No. 262 read the second time, and ordered to be read the third time.

Mr. Stockbridge moved that the bill be referred to the Committee on Counties and County Boundaries.

Lost.

On motion of Mr. Slaughter the rules were further suspended, and Senate bill No. 262 read the third time.

The hour having arrived for the consideration of the special order, Mr. Slaughter moved its postponement until the bill now under consideration is disposed of; upon which motion the yeas and nays were called for by Messrs. Schutze, Posey and Stockbridge, and resulted as follows:

Yeas—Messrs. Austin, Richard Allen, Burley, Burnett, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Franks, Gaston, Gardiner, Hughes, Haswell, Lacy, Lane, Leonard, Lyons, Morrison, Morris, McKee of Guadalupe, Moore of Red River, Plumley, Prissick, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Weaver of Johnson, Young, Youngkin—37.

Nays—Messrs. Abbott of Austin, H. R. Allen, Booty, Dorris, George, Harn, Hamilton, Johnson, Jenkins, Kendall, Moore of Harrison, Mullins, Medlock, Miller, Posey, Pierson, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Tinsley, Weaver of Hunt, Williams of Walker, York, Zapp—27.

So the special order was postponed.

Mr. Schutze moved a call of the House.

Call sustained.

Absent—Messrs. Abney, Bonner, Ellis, Tegener and Grothaus.

Mr. Slaughter moved that the call of the House be suspended, upon which motion the yeas and nays were called for by Messrs. C. L. Abbott, Schutze and Stockbridge, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Richard Allen, Becton, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gaston, Gardiner, George, Hughes, Harn, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mullins, Medlock, Moore of Red River, Plumley, Prissick, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, York, Youngkin—53.

Nays—Messrs. Abbott of Austin, Hamilton, Kendall, Miller, Posey, Pierson, Robinson, Ross, Schlickum, Schlotman, Schutze, Stockbridge, Zapp—13.

So the call of the House was suspended.

Mr. Hughes offered the following amendment:

Amend by striking out in second section, fifth and sixth line, the words "the town of Lexington," and inserting instead the words, "the place receiving the majority of the votes cast at said election, as the county seat;" and by striking out the words "town of Lexington," eighth line, same section, and inserting the words "county site so chosen."

On motion of Mr. Schutze the amendment was adopted.

The bill then passed, and its title was agreed to.

On motion of Mr. Sinclair the special order was further postponed for five minutes.

On motion of Mr. Sinclair the rules were suspended to take up out of its regular order Senate bill No. 58, to be entitled "An Act to incorporate the Galveston Horticultural Society," and the bill was read the first time.

On motion of Mr. Sinclair the rules were further suspended and Senate bill No. 58 read the second time, and ordered to be read the third time.

On motion of Mr. Jenkins the rules were further suspended, Senate bill No. 58 read the third time, passed and its title agreed to.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills instruct me to report that they have examined House bill No. 306, and find it to be correctly enrolled.

ROBINSON,
Chairman.

Report accepted; enrolled bill signed by the Speaker and sent to the Senate.

Special order resumed, viz: House bill No. 327, to be entitled "An Act to incorporate the Galveston and Northeastern Railway Company."

Bill read the second time.

The following amendments, recommended by the Committee on Internal Improvements, were adopted:

In section one, lines sixteen and seventeen, strike out the words "to have perpetual succession," and insert in lieu the words "to have succession for ninety-nine years;" and in lines eighteen and nineteen of same section, strike out the words "and to alter the same at discretion."

Mr. Sinclair moved to amend section one, line two, by inserting the name of "J. H. Morrison" after the word "Burnett."

Amendment adopted.

The bill was then ordered to be engrossed and read the third time.

Mr. Burnett moved a further suspension of the rules to put the bill on its final passage.

Rules not suspended.

Mr. Franks moved a suspension of the rules to take up, out of its regular order, a bill (House bill No. 491) to be entitled "An Act to prohibit the sale of spirituous liquors within five miles of Sulphur Bluff, Hopkins county."

Rules suspended and bill read the first time.

On motion of Mr. Becton the rules were further suspended and House bill No. 491 read the second time.

Mr. Zapp moved to amend section one by striking out the word "five" before the word "miles," and inserting the word "two" in lieu thereof.

Mr. McLean moved to reject the amendment and bill.

Lost.

The question recurring on the adoption of the amendment offered by Mr. Zapp, it was adopted.

Mr. Schutze moved to amend by inserting "six hundred miles around the city of Austin."

On motion of Mr. Plumley, the amendment was laid on the table.

On motion of Mr. Hughes, the bill was recommitted to the Committee on Education.

A message was received from the Senate transmitting enrolled House bill No. 306, which had been signed by the President of the Senate in open session, and also transmitting House bills Nos. 86, 116, 242, 357 and 457, which the Senate has passed.

Mr. Slaughter moved a suspension of the rules to take up out of its regular order Senate bill No. 36, to be entitled "An Act to establish a ferry across the Sabine river at or near Red Rock, county of Upshur."

Rules suspended and Senate bill No. 36 read the first time.

On motion of Mr. Burnett, the rules were further suspended and Senate bill No. 36 read the second time and ordered to be read the third time.

On motion of Mr. Slaughter, the rules were further suspended and Senate bill No. 36 read the third time, passed and its title agreed to.

Mr. Johnson moved a suspension of the rules to take up out of its regular order House bill No. 84, to be entitled "An Act to incorporate the town of Hallettsville, in Lavaca county."

Rules suspended and bill read the second time.

The following substitute for section three, recommended by the Committee on Town and City Corporations, was adopted:

"SEC. 3. The mayor and board of aldermen of said town shall be appointed by the Governor, and shall hold their offices until the next general election or until otherwise provided for by law; they shall have authority to appoint a constable, secretary and treasurer, who shall hold their offices for the same time as themselves; the treasurer and constable shall be required to give bond in such amount and with such security as shall be approved by the mayor for the faithful performance of their duties, and to make reports when required by the mayor and aldermen. The mayor shall hold and exercise all the powers and jurisdiction of a justice of the peace, and before entering upon the duties of his office shall take the oath prescribed by the constitution, and give such bond and security as a justice of the peace is required to give. The constable shall hold and exercise all the powers and discharge all the duties with said corporation of a constable of the county."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Cooper, the rules were further suspended,

House bill No. 84 read the third time, passed and its title agreed to.

Mr. Morrison moved a suspension of the rules to take up out of its regular order House bill No. 454, to be entitled "An Act providing for the appointment of public weighers of cotton at important points within the State of Texas, and prescribing the fees and duties thereof."

Rules suspendeed.

The question pending at the time of adjournment on last evening, was the motion of Mr. C. L. Abbott to reconsider the vote by which the House adopted an amendment to section eleven, viz: By striking out "twenty cents," and inserting in lieu thereof the words "fifteen cents."

The House refused to reconsider the vote,

On motion of Mr. Hughes, section eleven was amended by inserting after the words "fifteen cents," the following: "And shall not be compelled to deliver the certificates of weights of bales or packages so weighed, until the collection of fees due for weighing the same."

Mr. Johnson moved to lay the bill on the table, upon which motion the yeas and nays were called for by Messrs. Johnson, Chambers and Stirman, and resulted as follows:

Yeas—Messrs. Austin, Becton, Booty, Gaston, George, Hughes, Hamilton, Johnson, Jenkins, Kyle, Lane, Leonard, Posey, Pierson. Ross, Schlickum, Smyth, Stirman, Weaver of Hunt, Weaver of Johnson, Young, Youngkin—22.

Nays—Messrs. Abbott of Austin, R. Allen, Burley, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Harn, Haswell, Kendall, Lacy, Manning, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mullins, Medlock, Miller, Plumley, Prissick, Robinson, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Shelburne, Tinsley, Williams of Walker, York, Zapp—38.

So the House refused to lay the bill on the table.

Mr. Slaughter moved a further suspension of the rules to put the bill on its final passage, upon which motion the yeas and nays were called for by Messrs. Johnson, Chambers and Kyle, and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Harn, Hamilton, Haswell, Kendall Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair,

Slaughter, Stockbridge, Shelburne, Tinsley, Williams of Walker, York, Youngkin, Zapp---39.

Nays---Messrs. Austin, Abbott of Austin, Becton, Booty, Gaston, George, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Miller, Posey, Pierson, Ross, Simmons, Smyth, Stirman, Weaver of Hunt, Weaver of Johnson, Young---22.

So the House refused to suspend the rules, two-thirds of the members present not voting in the affirmative.

Mr. Chambers moved a suspension of the rules to take up out of its regular order Senate bill No. 90, to be entitled "An Act to incorporate the Sabine and Neches River and Pine Island Bayou Internal Improvement Company."

Rules suspended.

Senate bill No. 90 read first time, and, on motion of Mr. Chambers, it was made the special order for 10:30 A. M. on Friday next.

Mr. Cooper moved a suspension of the rules to take up out of its regular order Senate bill No. 100.

Lost.

Mr. Burley moved a suspension of the rules to take up out of its regular order House bill No 406.

Lost.

Mr. Slaughter moved a suspension of the rules to take up out of its regular order House bill No. 379.

Lost.

Mr. Miller moved a suspension of the rules to take up out of its regular order House bill No. 294.

Lost.

On motion of Mr. Morris the House at 10:20 P. M. adjourned until the regular hour to-morrow.

HOUSE OF RERESENTATIVES,
AUSTIN, TEXAS, August 4, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. Austin the reading of yesterday's journal was dispensed with.

Mr. Burnett, Chairman of the Committee on Judiciary, submitted the following report:

COMMITTEE ROOM,
Austin, July 30, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred House bill No. 290, entitled "An Act to provide for the election of chief justice when all or a majority of the justices of the peace elect reside at the county seat;" also, a petition from citizens of Galveston county, asking "the passage of a law defining the territorial jurisdiction of justices of the peace within the limits of incorporated cities," have duly considered the same, and the committee instruct me to report the same back with a recommendation that they be rejected, as in the opinion of the committee no legislation is necessary in the premises.

Very respectfully,

BURNETT,
Chairman.

Report and bill passed to orders of the day.

Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bills Nos. 152, 185, 195, 356, 389, 487, have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

C. J. STOCKBRIDGE.
Chairman of Committee.

COMMITTEE ROOM,
Austin, August, 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bills Nos. 70 and 154 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman of Committee.

Reports accepted, and a messenger was dispatched to the Senate with the bills.

Mr. Morris, Chairman of the Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 461, entitled "An Act to incorporate the town of Carthage in Panola county," having examined the same, respectfully return said bill with the following amendments, to wit:

Section four, in line four, strike out the word "citizen," and insert the words "qualified elector." In ninth line, same section, strike out the word "citizen," and insert the words "qualified elector;" and as thus amended, your committee recommend that said bill do pass.

C. D. MORRIS,
Chairman.

Mr. Booty moved a suspension of the rules to take up House bill No. 461, to be entitled "An Act to incorporate the town of Carthage, in Panola county."

Rules suspended and House bill No. 461 read the second time.

The amendments recommended by the Committee on Town and City Corporations, were adopted.

The bill was then ordered to be engrossed, and read the third time.

On motion of Mr. Booty, the rules were further suspended, House bill No. 461 read the third time, passed and its title agreed to.

By leave, Mr. Becton presented a petition signed by citizens of Hunt, Van Zandt, and Kaufman counties, asking for the creation of a new county, which was read and referred to the Committee on Counties and County Boundaries.

Mr. Jenkins, from Committee of Conference, submitted the following report:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your joint committee of two from the Senate and three from the House, to whom was referred Senate bill No. 82, entitled "An Act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty of an act to incorporate the Waco Tap Railroad Company," having fully conferred upon the same, beg leave to report the following:

The House Committee agree, the Senate concurring, to adhere to the amendment offered by the House.

FORD,
DOUGLAS,
Senate Committee.
JENKINS,
MULLINS,
HARN,
House Committee.

On motion of Mr. Burnett the report was adopted.

Mr. Burnett moved a reconsideration of the vote by which the report was adopted.

Vote reconsidered.

Mr. Burnett moved that the report be rejected, and that a committee of free conference be appointed to confer with a like committee of the Senate, on Senate bill No. 82. Carried.

The Speaker appointed Messrs. Burnett, Mullins and Jenkins such committee.

A message was received from the Senate, transmitting enrolled bills for the relief of Harwin W. Moore; to create the county of Delta; and in relation to the University lands, which had been signed by the President of the Senate.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, August 4, 1870

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: I am instructed to report that House bill No. 306 has this day been presented to the Governor for approval.

ROBINSON,
Chairman.

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills direct me to report that they have examined House bill No. 317, and find it correctly enrolled.

ROBINSON,
Chairman.

Reports accepted, and enrolled bill signed by the Speaker and sent to the Senate.

Mr. Camp introduced a bill, to be entitled "An Act to amend an act, entitled 'An Act authorizing quarantine on the coast of Texas and elsewhere within the State.'"

Bill read the first time, and referred to the Committee on Counties and County Boundaries.

By leave, Mr. R. Allen presented the following communication:

AUSTIN, Texas, August 3, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: It is proposed that a meeting be held in this city next Saturday night to perfect the organization of the State Guard, some eight hundred of these patriotic men being enrolled in this county. Your honorable body is respectfully petitioned for the use of the hall of the House of Representatives on that occasion.

Very respectfully,
W. B. MOORE,
Colonel Sixth Regiment of State Guard.

On motion of Mr. Zoeller the use of the hall on next Saturday night was granted for the purpose requested.

By leave, Mr. Sinclair, Chairman of the Committee on Education, submitted the following report:

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom were referred several bills regarding Haman's University, have considered the same, and, after a careful examination, beg leave to report the accompanying substitute and recommend its passage.

Very respectfully,
WM. H. SINCLAIR,
Chairman of Committee on Education.

Report, bill and substitute passed to orders of the day.

Mr. Grothaus moved a suspension of the rules to take up, out of its regular order, Senate bill No. 106, to be entitled "An Act to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of the Gulf, Western Texas and Pacific Railway Company."

Rules suspended and Senate bill 106 read the first time.

On motion of Mr. Grothaus the rules were further suspended and the bill read the second time.

On motion of Mr. Grothaus section three was amended by adding the following proviso:

"Provided, that if said company shall fail to construct and put in good running order thirty miles of said road above Victoria by the first day of January, 1872, or shall thereafter fail to construct as aforesaid thirty additional miles of said road during each and every year until the same shall have reached San Antonio or Austin, then in either event the said company shall forfeit all rights, privileges and immunities granted by this act."

On motion of Mr. Grothans, section four was amended by adding the following proviso:

"Provided, that this section shall not be construed to revive any grant or grants to lands in favor of said corporations, if such grants are prohibited by the constitution of the State, but they shall be entitled to such grants as are provided for in their charters if it shall be decided judicially that the same are constitutional."

The bill was then ordered to be read the third time.

On motion of Mr. Grothaus, the rules were further suspended.

Senate bill No. 106 read the third time and passed by the following vote, the yeas and nays being called for by Messrs. Camp, Sinclair and Mullins:

Yeas—Messrs. Speaker, Austin, Abbott of Austin, Abbott of Hill, Beeton, Burley, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Ellis, Gaston, Gardiner, Grothaus, George, Hughes, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Miller, Posey, Pierson, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zoeller—62.

Nays—None.

The title of the bill was agreed to

Mr. J. C. Weaver moved a suspension of the rules to take up out of its regular order House bill No. 278, to be entitled "An Act granting right of way to the thirty-fifth parallel railroad company."

Rules suspended and House bill No. 278, read the second time.

The following amendments recommended by the Committee on Internal Improvements, were adopted:

In section three, line ten, commencing with the word "for," strike out the words "for a term of ten years after said road is so built, equipped and run in this State," and insert in lieu thereof the words "until its completion through this State."

In section four add to the end thereof the following: "Provided, that no grant of lands or money is, by this clause, intended to be, or shall at any time hereafter be asked for by said company."

Strike out the whole of section five.

In section six, line three, strike out the word "fifty," and insert in place thereof the word "twenty-five," and in line five of the same section, strike out the word "five," and insert in place thereof the word "three."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. J. C. Weaver the rules were further suspended House bill No. 278, read the third time, passed, and its title agreed to.

By leave, Mr. Slaughter, Chairman of the Committee on Finance, submitted the following report:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Finance do most respectfully present herewith claims for Sheriff fees for the year 1867, belonging to Simon P. Bivens, Esq., sheriff of Collin county, and recommend that the same will be paid, by the passage of the accompanying bill.

SLAUGHTER,
Chairman.

Report and bill passed to orders of the day.

By leave, Mr. Schutze, Chairman of the Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs have the honor to report the accompanying bill, entitled "An Act appropriating certain

moreys for the use of the State Lunatic Asylum," and to recommend its passage. Very respectfully,

J. SCHUTZE,
Chairman.

Report and bill passed to orders of the day.

[Mr. McLean in the Chair.]

Mr. Cooper moved a suspension of the rules to take up out of its regular order Senate bill No. 200, to be entitled "An Act to authorize county courts to levy a road tax and to improve roads and bridges."

Bill read the first time.

On motion of Mr. Evans Senate bill No. 200 was rerd the second time.

Mr. York offered the following amendment:

Amend section one, line four: after the word "counties" insert, "and a poll tax of fifty cents upon each adult male person in the county."

On motion of Mr. Burnett the amendment was laid on the table.

Mr. Abbott of Hill moved a reconsideration of the vote just taken.

Mr. Burnett moved to lay the motion to reconsider on the table.

Upon which motion the yeas and nays were called for by Messrs. Ross, Lane and Pierson, and resulted as follows:

Yeas—Messrs. Speaker, C. L. Abbott, H. R. Allen, R. Allen, Burley, Burnett, Chambers, Cooper, Cotton, Cox, Davis, Dorris, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendall, Lyons, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Medlock, Miller, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Stockbridge, Tinsley, R. Williams, B. F. Williams, Zoeller—37.

Nays—Messrs. Austin, Abbott of Hill, Booty, Camp, Ellis, Gaston, George, Hughes, Haswell, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Moore of Red River, Posey, Pierson, Prissick, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, York—26.

So the motion to reconsider was laid on the table.

The bill was then ordered to be read the third time.

On motion of Mr. Evans the rules were further suspended and Senate bill No. 200 read the third time.

A message was received from the Senate transmitting enrolled bill No. 317, which had been signed by the President of the Senate in open session.

The hour having arrived for the consideration of House bill No. 466, it was, on motion of Mr. Slaughter, postponed until the bill now under consideration is disposed of.

Mr. Morrison moved the previous question.

Previous question seconded.

The question then recurred, "Shall the main question be now put?" Main question ordered.

The main question being on the final passage of Senate bill No. 200, the yeas and nays were called for by Messrs. Pierson, Cooper and Leonard, and resulted as follows:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, Richard Allen, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Harn, Hamilton, Kendall, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Hill, Becton, Booty, Chambers, Gaston, Hughes, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Moore of Red River, Pierson, Ross, Simmons, Smyth, Stirman, Weaver of Hunt, Weaver of Johnson, York—25.

So the bill passed, and its title was agreed to.

A message was received from the Governor.

Laid over to come up in its regular order.

By leave Mr. Sinclair, Chairman of the Committee on Education, submitted the following report:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was recommitted House bill No. 491, entitled "A bill to prohibit the sale of spirituous liquors within five miles of Sulphur Bluff, Hopkins county, Texas," have had the same under consideration, and unanimously instruct me to report back the accompanying substitute and recommend its passage.

Very respectfully,

WM. H. SINCLAIR,
Chairman of Committee.

The hour having arrived for the consideration of business as provided for in resolution adopted July 2d, on motion of Mr. Sinclair, the order of business was postponed and the rules suspended to take up House bill No. 491, and the substitute just reported by the Committee on Education.

The original bill was laid on the table, and the substitute just reported, (House bill No. 491), to be entitled "An Act to prohibit the sale, or otherwise disposing of intoxicating or spirituous liquors within two miles of Sulphur Bluff Academy, Hopkins county."

Read the first time.

On motion of Mr. Leonard, the rules were further suspended and House bill No. 491 read the second time, ordered to be engrossed, and read the third time.

On motion of Mr. Sinclair, the rules were further suspended, House bill No. 491 read the third time, passed, and its title agreed to.

On motion of Mr. Cox, the regular order of business was further postponed to allow him to offer the following resolution:

Resolved, That at the evening session of this body, the Clerk shall commence calling the roll from the middle of the alphabet, calling one name up and one down the same; and as each member's name is called, he shall be allowed to take up and have disposed of one bill. Said system to continue during the remainder of this session.

Resolution read first and second times.

Mr. Abney moved to reject the resolution.

Lost.

Mr. Plumley moved to amend the resolution by striking out the words "one bill," and inserting in lieu thereof the words "three bills."

Amendment laid on the table.

Mr. Burnett moved the previous question.

Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being on the adoption of the resolution, the yeas and nays were called for by Messrs. Slaughter, Plumley and Cooper, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, R. Allen, Jo. Abbott, Becton, Burley, Booty, Burnett, Cooper, Camp, Cox, Dupree, Davis, Gaston, Gardener, George, Hughes, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Henry Moore, Morris, J. F. McKee, Mitchell, Mullins, Medlock, Miller, R. L. Moore, Posey, Pierson, Prissick, Robinson, Ross, Schlickum, Sheriff, Sinclair, Smyth, Stirman, Stockbridge, Tegener, S. S. Weaver, R. Williams, J. C. Weaver, B. F. Williams, Young, York, Zoeller—54.

Nays—Messrs. Abney, Chambers, Cotton, Ellis, Plumley, Slaughter, Tinsley, Zapp—8.

So the resolution was adopted.

Mr. Becton moved to reconsider the vote just taken and to lay the motion to reconsider on the table.

The latter motion prevailed.

On motion of Mr. Sinclair, the regular order of business was

further postponed and the rules suspended to allow the reading of the following message from the Governor:

EXECUTIVE OFFICE,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I herewith return to your House, where it originated, "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company." This act is objectionable among other respects in the fact that it directly violates section 17, article 12, of the constitution, which provides that "every law enacted by the Legislature shall embrace *but one object*, and that shall be expressed in the title." This provides in sections one, two, three and four for improving the health of the city of Galveston, and then passing entirely from that subject proceeds in sections five and six to incorporate a company to be known as the "Texas Sanitary and Fertilizing Company."

The act provides a very arbitrary and wholesale change in the manner of constructing residences and other buildings at Galveston, which can only be effected at very considerable expense to the people of that city, and is not called for by any apparent necessity. It is not believed that a large number, or in fact any, of the people of Galveston desire this extraordinary measure.

It is evidently the covert purpose of the act to force the people of Galveston to purchase a patented "earth closet," which the said "Texas Sanitary and Fertilizing Company," has for sale, and then to compel the employment of said company in the keeping these closets in order at the rate of one dollar each per month. It must operate oppressively on the people of that city, and offers no corresponding good. If this mode of constructing "water closets" has the sanitary advantages claimed for it by its friends, it will work its way to the confidence of the public without this forcing process.

I conclude that in the hurry of legislation the objections to this measure have not received due consideration.

Very respectfully,

EDMUND J. DAVIS,
Governor.

On motion of Mr. Posey the message was referred to the Judiciary Committee.

By leave, Mr. Young, Chairman of the Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill, numbered 446, entitled "An Act supplementary to 'An Act to incorporate the Victoria and Columbia Railroad Company,' approved November 13, 1866," having carefully considered said bill, would respectfully propose the following amendment thereto, viz:

In section two, line eleven, strike out the figures "1874," and insert in lieu the figures "1873," and, with this amendment, your committee would report favorably upon said bill and recommend its passage.

Very respectfully,
H. W. YOUNG,
Chairman of Committee.

Report and bill passed to orders of the day.

On motion of Mr. Camp the regular order of business was further suspended to allow him to offer the following resolution:

WHEREAS, The proprietor of the Austin Republican has furnished each member of the House with one copy of the Daily Austin Republican during the present session of the Legislature; therefore,

Resolved, That the Committee on Contingent Expenses is hereby instructed to approve the account of the Austin Republican for papers furnished this House during the present session; provided, that the number of copies charged for does not exceed ninety copies per day, and that the price charged does not exceed eight cents per copy, the price paid for other papers furnished this House.

Resolution read first and second times.

A message was received from the Senate announcing that that body had adopted the report of the committee of free conference on Senate bill No. 197.

Also, transmitting House bill No. 70, with amendments.

Also, transmitting Senate bills Nos. 32, 34 and 238, and joint resolution No. 13, asking the concurrence of the House in the same.

Also, transmitting Senate enrolled bill No. 16, which was presented to the Speaker, signed by him in open session, and returned to the Senate.

Mr. Slaughter moved to amend the resolution offered by Mr. Camp, by inserting the "Galveston News and Houston Times."

Mr. Zoeller moved to lay the resolution and amendment on the table; upon which motion the yeas and nays were called for by Messrs. Abney, Slaughter and Zoeller, and resulted as follows:

Yeas—Messrs. Abney, Abbott, of Austin, H. R. Allen, Richard

Allen, Burnett, Cotton, Dupree, Davis, Grothaus, George, Hamilton, Kendall, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Robinson, Schlotman, Sheriff, Tinsley, Williams, of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—28.

Nays—Messrs. Austin, Abbott of Hill, Burley, Booty, Chambers, Cooper, Camp, Cox, Dorris, Ellis, Franks, Gaston, Hughes, Haswell, Jenkins, Kyle, Lacy, Leonard, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Ross, Schlickum, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Weaver of Hunt, Weaver of Johnson, York—37.

So the House refused to lay the resolution and amendment on the table.

Mr. Burnett moved to amend by adding the "Tyler Index and Jefferson Radical."

Mr. Pierson moved to lay the amendment to the amendment on the table; upon which motion the yeas and nays were called for by Messrs. Ellis, Leonard and Pierson, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Chambers, Cooper, Cotton, Cox, Davis, Ellis, Gaston, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Posey, Pierson, Prissick, Ross, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Shelburne, Young, York, Youngkin—37.

Nays—Messrs. Abney, Richard Allen, Burnett, Camp, Dupree, Davis, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Kendall, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mullins, Medlock, Miller, Moore of Red River, Robb, Schlickum, Schlotman, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Zapp, Zoeller—31.

So the amendment to the amendment was laid on the table.

The question recurring on the adoption of the amendment offered by Mr. Slaughter, the yeas and nays were called for by Messrs. R. Allen, R. Williams and Dupree, and resulted as follows:

Yeas—Messrs. Austin, Abney, Jo. Abbott, Burnett, Chambers, Dupree, Ellis, Gaston, Gardiner, Grothaus, George, Harn, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Morris, McLean, J. F. McKee, Mullins, Medlock, Miller, Posey, Pierson, Prissick, Schlickum Schlotman, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Zapp, Zoeller—48.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Becton, Booty, Cooper, Cotton, Camp, Cox, Davis, Dorris, Franks,

Hamilton, Moore of Red River, Robinson, Ross, Schutze, Sheriff, Simmons, Young—20.

So the amendment was adopted.

Mr. Pierson moved the previous question.

Previous question seconded.

Mr. Morris moved a call of the House.

Call sustained.

Absent—Mr. Hughes.

On motion of Mr. Grothaus the call of the House was suspended.

Mr. C. L. Abbott moved that the House adjourn. Lost.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being on the adoption of the resolution, as amended, the yeas and nays were called for by Messrs. Burnett, Cooper and Slaughter, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Chambers, Camp, Cox, Gaston, Haswell, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Moore of Red River, Posey, Pierson, Ross, Schutze, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, York—29.

Nays—Messrs. Abney, Abbott of Austin, Richard Allen, Burley, Burnett, Cooper, Cotton, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Johnson. Kendall, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Slaughter, Sinclair, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, Youngkin, Zapp, Zoeller—44.

So the resolution was not adopted.

Mr. Slaughter moved to reconsider the vote just taken, and that the consideration of the same be made the special order for February 1, 1871.

On motion of Mr. Morris the motion was laid on the table.

Mr. Burnett, chairman of committee of free conference on part of the House, submitted the following report:

COMMITTEE ROOM,
Austin, August 4, 1870.

Honorable President of the Senate
and Speaker of the House of Representatives:

Your committee of free conference on Senate bill No 197, entitled "An Act prescribing the times of holding the district courts in the several judicial districts in the State," have the honor to re-

port that they have agreed on the accompanying amendments to said bill, which they recommend be adopted.

Very respectfully,

B. J. PRIDGEN,
for the Senate Committee.
BURNETT,
for the House Committee.

1. That the Senate refuse to concur in House amendments to sections eight, twenty-two and thirty, and that the House recede therefrom.

2. That the Senate refuse to concur in House amendment to section ten, and that the following be adopted as a substitute for said section:

SEC. 10. That the district courts of the ninth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Upshur on the first Mondays in October, February and June, and may continue in session three weeks.

In the county of Wood on the fourth Mondays in October, February and June, and may continue in session three weeks.

In the county of Rains on the third Mondays in November, March and July, and may continue in session one week.

In the county of Smith on the fourth Mondays in November, March and July, and may continue in session six weeks.

3. That the Senate refuse to concur in House amendment to section seventeen, and that the following be adopted as a substitute for said section, to-wit:

SEC. 17. That the district courts of the sixteenth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Victoria on the second Mondays in September and January, and third Mondays in April, and may continue in session three weeks.

In the county of Calhoun on the third Monday after the second Mondays in September and January, and third Mondays in April, and may continue in session three weeks.

In the county of Refugio on the sixth Monday after the second Mondays in September and January, and third Monday in April, and may continue in session one week.

In the county of San Patricio on the seventh Monday after the second Mondays in September and January, and third Monday in April, and may continue in session one week.

In the county of Nueces on the eighth Monday after the second Mondays in September and January, and third Monday in April, and continue in session three weeks.

4. That the following be adopted as a substitute for section twenty:

SEC. 20. That the district courts of the nineteenth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Montgomery on the second Monday in September, and first Mondays in February and June, and may continue in session three weeks.

In the county of Harris on the first Mondays in October, March and July, and may continue in session until the business is disposed of.

5. That the following be adopted as section thirty-seven, and that thirty-seven be numbered thirty-eight:

SEC. 37. That whenever any county to which, by this or any other law, a term of court may be assigned, shall be attached for judicial purposes to another county, then the time assigned for the holding of the courts in such county shall be added to the length of time provided for the county to which said first named county is attached.

But if the terms of the courts of the attached county shall occur before those of the courts of the county to which it is attached, then the terms of the courts of the latter county shall commence at the times appointed by law for the commencement of the terms in the attached county.

On motion of Mr. Burnett the report was adopted.

Mr. Sinclair moved a suspension of the rules to take up House bill No. 341. Rules suspended and the House adhered to its disagreement to Senate amendments.

On motion of Mr. Sinclair the regular order of business was further postponed, and the rules suspended to take up out of its regular order House bill No. 70, to be entitled "An Act granting to the Galveston Wharf Company the right to make railroad connection with their wharves, and the railroads entering the city of Galveston."

Rules suspended and the House agreed to the following Senate amendment:

Strike out the words "a switch," in section one, line four, and insert the words "switches, turnouts, side switches, etc."

Mr. Schutze moved a suspension of the rules to take up out of its regular order House bill 463, to be entitled "An Act for the relief of the heirs of John Craig, deceased."

Rules suspended, and the House agreed to the following Senate amendment, viz: By adding to section one, the following proviso: Provided nothing in this act shall be construed to interfere with the rights of third persons."

Mr. Schutze moved a suspension of the rules to take up out of its regular order House bill No. 294, to be entitled "An Act to incorporate the Western Narrow Gauge Railway Company."

Rules suspended and the House agreed to the following Senate amendments:

By inserting in line five of section eight, after the words "La Grange," the word "Lockhart," and in same line, after the word "county," the words "via Bellville."

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I have the honor to report that House bills Nos. 133, 177, 317 and 410 have this day been presented to his Excellency, the Governor, for approval.

WILLIS G. ROBINSON,
Chairman of Committee.

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills direct me to report that they have carefully examined House bill No. 484, and find the same to be correctly enrolled.

WILLIS G. ROBINSON,
Chairman of Committee.

Reports accepted. Enrolled bill signed by the Speaker and sent to the Senate.

By leave, Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom was referred House bill No. 416, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman of Committee.

Report accepted and bill sent to the Senate.

On motion of Mr. Slaughter the special order was further postponed, and the rules suspended to take up bills on their third reading.

House bill No. 274, to be entitled "An Act to exempt the wages of laborers and others from the writ of garnishment," read the third time, passed and its title agreed to.

House bill No. 263, to be entitled "An Act to prohibit the sale of spirituous liquors, and the establishing or keeping of any gambling table or device within two miles of Trinity University, in Limestone county," was read the third time, passed, and its title was agreed to.

[Special order resumed.]

House bill No. 466, to be entitled "An Act to aid the Brazos Branch Railroad, to change the gauge, extend the time of constructions, erect a telegraph line, and permit the company to extend the railroad to the International Railroad," read the second time.

The following amendment, recommended by the Committee on Internal Improvements, was then adopted, viz:

In section five, line seven, after the word "Sabine," insert "river, commencing at Sabine town, or at such point as the Sabine and Natchitoches Railroad, in Louisiana, may strike the Sabine river."

On motion of Mr. Burnett section one was amended by adding the following proviso:

Provided, that said company shall have fully completed, equipped, and put in running order said line of road to Huntsville, or within one mile thereof, within two years after the passage of this act.

On motion of Mr. Plumley, section five was amended by inserting in line seven, after the word "time," the following: "But the company shall be entitled to all the rights and immunities that may be granted by the State to railroads, under any general law.

On motion of Mr. R Williams, section five, line nine, was amended by striking out the words "and a half."

On motion of Mr. Zapp, section five was amended by adding the following proviso:

"Provided, that the gauge of said road shall not be less than four feet eight and a half inches in width."

Mr. Abney moved a call of the House.

Call sustained.

On motion of Mr. Cooper, the call of the House was suspended.

On motion of Mr. R. Williams, section one was amended by adding the following:

"And if said road is not completed to Huntsville, or within one mile thereof, within two years after the passage of this act, and the

whole line completed within six years after the passage of this act, then the rights, privileges and franchises granted by this act shall be forfeited."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Harn, the rules were further suspended; House bill No. 466 read third time and passed by the following vote, the yeas and nays being called for by Messrs. Prissick, Morris and Plumley:

Yeas—Messrs. Austin, Abney, Richard Allen, Jo. Abbott, Becton, Burley, Booty, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Johnson, Jenkins, Kyle, Kendall, Lane, Leonard, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Pierson, Plumley, Schlotman, Schlickum, Schutze, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—60.

Nays—Mr Prissick.

The title of the bill was agreed to.

A message was received from the Senate transmitting House bills Nos. 109, 436 and 364, and announcing that that body had passed the same.

A messenger was dispatched to the Senate with Senate bills 106 and 200, and House concurrent resolution No. 3, rélative to the division of the State of Texas, asking the concurrence of the Senate thereto.

On motion of Mr. Johnson the House, at one o'clock P. M., adjourned until half past eight this evening.

EVENING SESSION.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called. Quorum present.

Under resolution adopted this morning Mr. Lyons called up House bill No. 454, to be entitled "An Act providing for the appointment of public weighers of cotton at important points within the State of Texas, and prescribing the fees and duties thereof."

Bill read the third time, and passed by the following vote, the yeas and nays being called for by Messrs. Davis, Chambers and Lane:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Grothaus, Harn, Hamilton, Kendall, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Plumley, Robinson, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Tinsley, Williams of Walker, Williams of Colorado, Zapp, Zoeller --39.

Nays—Messrs. Abbott of Hill, Becton, Booty, Chambers, Gaston, George, Johnson, Jenkins, Kyle, Lane, Leonard, Posey, Ross, Simmons, Smyth, Stirman, Shelburne, Tegener, Weaver of Hunt, Weaver of Johnson, Young—21.

The title of the bill, after amending by inserting after the word "cotton." the words "and wool," was agreed to.

Mr. Morrison called up House bill No. 79, to be entitled "An Act to incorporate the Marine and Fire Insurance Company of Galveston, Texas."

Bill read the second time; ordered to be engrossed, and read the third time.

On motion of Mr. Jenkins, the rules were suspended, House bill No. 79, read the third time, passed, and its title agreed to.

By leave, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of House of Representatives:

SIR: Your committee to whom House bills Nos. 262, 283, 358, 395, 429, and 478, have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

STOCKBRIDGE,
Chairman of Committee.

Report accepted, and a messenger was dispatched to the Senate with the bills.

Mr. Leonard called up a bill (House bill No. 493), to be entitled "An Act to prohibit the sale of intoxicating liquors within certain limits of Johnston Station high school, in the town of Johnson Station, in Tarrant county."

Bill read the first time.

On motion of Mr. Leonard, the rules were suspended and House bill No. 493 read the second time.

On motion of Mr. Grothaus, section one was amended by striking out the words "and a half."

On motion of Mr. Jenkins, the words "and sacramental," were inserted before the word "purposes," in section one.

Mr. Dorris moved to amend section one by striking out the words "practicing physician."

Lost.

On motion of Mr. Cooper, section two was amended by striking out the word "twenty," and inserting in lieu thereof the words "one hundred."

Mr. Zapp moved to amend the bill so that liquors could not be sold to minors without the written consent of their parents, or proper representatives.

On motion of Mr. Sinclair, the amendment was laid on the table.

The bill was then ordered to be engrossed, and read the third time.

On motion of Mr. Morris, the rules were further suspended, House bill No. 493 read the third time, passed and its title agreed to.

Mr. Henry Moore called up House bill No. 197, to be entitled "An Act to incorporate the Phœnix Express and Transportation Company."

Bill read the second time.

The following amendment offered by Mr. Plumley was adopted.

Wherever the word "Phœnix" occurs, insert in lieu thereof the words "Lone Star."

On motion of Mr. Plumley, the name of "C. W. Hurley" was inserted as one of the incorporators.

The bill was then ordered to be engrossed, and read the third time.

On motion of Mr. Plumley, the rules were suspended and House bill No. 197 read the third time, passed, and its title, after inserting the words "Lone Star," in place of the word "Phœnix," was agreed to.

A message was received from the Senate, transmitting Senate enrolled bills Nos. 15, 201, and 301, which were presented to the Speaker, signed by him, and returned to the Senate.

Also, announcing that the Senate had concurred in House amendments to Senate bill 106, to be entitled "An Act to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of the Gulf, Western Texas and Pacific Railroad Company."

Mr. Lane called up House bill No. 289, to be entitled "An Act for the relief of the heirs of Alexander Smith, deceased."

Bill read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Lane the rules were suspended, House bill No. 289 read the third time, passed, and its title agreed to.

Mr. Morris called up House bill No. 58, to be entitled "An Act to incorporate the Jefferson Gas Light Company."

Bill read the second time.

Substitute for the bill was then read, and adopted in lieu of the original bill.

Substitute for House bill No. 58 was then ordered to be engrossed and read the third time.

On motion of Mr. Morris the rules were suspended, substitute for House bill No. 58 read the third time, passed, and its title agreed to.

Mr. Lacy called up House bill No. 327, to be entitled "An Act to incorporate the Galveston and Northeastern Railway Company."

Bill read the third time, passed, and its title agreed to.

Mr. McLean called up House bill No. 256, to be entitled "An Act to amend an act to incorporate the Sulphur Bridge and Turnpike Company, approved November 6, A. D. 1866."

Bill read the second time.

The following amendment, recommended by the Committee on Roads, Bridges and Ferries, was adopted:

Strike out sections one and two and prefix the following to the last section of the bill:

"That said company shall have two years, from and after the passage of this act, in which to construct and complete the bridge and turnpike road of the company and."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Franks the rules were suspended, House bill No. 256 read the third time, passed, and its title agreed to.

Mr. Kendall called up House bill No. 390, to be entitled "An Act to incorporate the Texas Land Company," which was read the second time.

On motion of Mr. Lane the names of "P. DeCordova and J. E. Rector" were inserted as incorporators.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Lane the rules were suspended and House bill No. 390 read the third time, passed, and its title agreed to.

A message was received from the Senate transmitting enrolled House bill No. 484, which the President of the Senate had signed in open session.

Also, transmitting House bill No. 28, which the Senate has passed.

Also, announcing that the Senate had appointed Senators Pickett,

Ford and Shannon as a Free Committee of Conference on Senate bill No. 82, to be entitled "An Act to incorporate the Waco Tap Railroad Company."

Mr. J. F. McKee called up House bill No. 276, to be entitled "An Act to authorize C. C. DeWitt to construct a bridge across the Guadalupe river near the town of Gonzales," which was read the second time.

The following amendments, recommended by the Committee on Roads, Bridges and Ferries, were then adopted, viz:

Amend section two: "so that said bridge shall be completed within three years from the passage of this act."

Amend section four so as to read: "That no other bridge or ferry shall be constructed within three miles above or three miles below said bridge."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. J. F. McKee the rules were suspended, House bill No. 276 read third time, passed and its title was agreed to.

Mr. Kyle called up Senate bill No. 162, to be entitled "An Act to incorporate the Austin Bridge Company," which was read the first time.

On motion of Mr. Jenkins the rules were suspended, Senate bill No. 162 read second time and ordered to its third reading.

On motion of Mr. Jenkins the rules were further suspended, Senate bill No. 162 read third time, passed and its title was agreed to.

Mr. Mitchel called up House bill No. 309, to be entitled "An Act to incorporate the Gregory Institute, of Harris county," which was read the second time.

The following amendments, recommended by the Committee on Education, were then adopted:

In section one, line three, strike out the word "colored," and in line eleven, same section, strike out after the word "seal" the words, "which may be changed at pleasure."

In section two, lines fourteen and sixteen, strike out the word "colored."

Strike out section seven.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Franks the rules were suspended, House bill No. 309 read third time, passed and its title was agreed to.

Mr. Jenkins called up House bill No. 77, to be entitled "An Act for the relief of certain parties therein named," which was read the second time.

The following amendments, recommended by the Committee on Claims and Accounts, were then adopted, viz:

In line eight, strike out the words "two hundred dollars," and insert in lieu thereof "one hundred and fifty dollars."

In lines nine and ten, strike out the words "eight hundred and thirty-nine dollars," and insert in lieu thereof "five hundred dollars."

In line twelve, strike out the words "three hundred and fifty-nine dollars and ten cents," and insert in lieu thereof "two hundred and fifty dollars."

On motion of Mr. Jenkins, the following was adopted as section two:

"Sec. 2. That the sum of nine hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the payment of the claims set out in this act, and that this act take effect and be in force from and after its passage."

On motion of Mr. Franks, the rules requiring all bills making appropriations to be considered in the Committee of the Whole House was suspended in this case.

On motion of Mr. Franks, the rules were suspended; House bill No. 77 read the third time and passed by the following vote:

Yeas—Messrs. Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Burley, Booty, Cooper, Cotton, Cox, Dupree, Davis, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Posey, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—59.

Nays—Messrs. Dorris, Slaughter—2.

The title of the bill was agreed to.

On motion of Mr. Schutze, the House, at ten o'clock P. M., adjourned until the regular hour to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, August 5, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Mr. Grothaus, Chairman of the Committee on Immigration, submitted the following report:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Immigration to whom was referred House bill No. 488. a bill entitled "An Act to incorporate the Texas Central Immigration Company," having duly considered the same, beg leave to report it back with the recommendation that it do pass.

Respectfully,
T. E. GROTHAUS,
Chairman Committee.

Report and bill passed to the orders of the day.

Mr. Cooper, Chairman of the Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, August 5, 1870

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries. to whom was referred the petition of a portion of the citizens of Medina county, have had the same under consideration, and respectfully ask that it may be filed with the papers relating to the bill changing and defining the boundary line between the counties of Bexar and Medina.

Respectfully,
COOPER
Chairman of Committee.

Petition filed with the bill.

Mr. Cooper also submitted the following report:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on County and County Boundaries, to

whom was referred House bill No. 492, entitled "An Act to amend an act entitled 'An Act authorizing Quarantine on the coast of Texas and elsewhere within the State,'" approved June 10, 1870, have carefully considered the same, and instruct me to return it, and respectfully recommend the passage of the bill.

Respectfully,

COOPER,
Chairman.

Mr. Cooper moved a suspension of the rules to take up House bill No. 492, to be entitled "An Act to amend an act authorizing Quarantine on the coast of Texas and elsewhere within the State."

Rules suspended and House bill No. 492, read second time; ordered to be engrossed, and read the third time.

On motion of Mr. Cooper the rules were further suspended, House bill No. 492 read the third time, passed, and its title agreed to.

Mr. Tinsley, Chairman of the Committee on Public Debt, submitted the following report:

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Public Debt, having had the subject of the public debt of the State under further consideration, ask leave to offer the accompanying act as a substitute for the one reported May 28, 1870, and recommend its passage.

A. D. TINSLEY,
Chairman.

Mr. Pierson moved a suspension of the rules to take up a bill (House bill No. 494), to be entitled "An Act for the settlement of a part of the public debt and for other purposes."

Rules suspended and bill read the first time.

On motion of Mr. Jenkins the rules were further suspended, and House bill No. 494 read the second time.

On motion of Mr. Cooper the bill was ordered printed and made the special order for Monday next at ten o'clock A. M.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bill No. 278 has been re-

ferred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

C. J. STOCKBRIDGE,
Chairman of Committee.

Report accepted, and a messenger was dispatched to the Senate with the bill and Senate bill No. 162.

Mr. Abney, Chairman of Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 375, entitled "An Act for the relief of Henry Koontz," have examined the evidence appertaining to the same, and being satisfied that the relief sought should be granted, report the same back and recommend its passage.

Respectfully,

ABNEY,
Chairman.

Report and bill passed to orders of the day.

Mr. Jenkins, from the Committee of Free Conference, on part of the House, submitted the following report:

AUSTIN, August 5, 1870,

To the Honorable President of the Senate and Speaker of the House of Representatives:

SIRS: Your Joint Committee of Free Conference, to whom was referred Senate bill No. 82, have fully conferred upon the same, and herewith submit the following report:

The House committee agree, the Senate concurring, to adhere to the amendments proposed by the House, and in addition propose the following amendment and recommend its adoption:

Amend by adding to section first the following: "provided, that nothing in this act con ained shall be considered as reviving any land grant to said railroad company."

For the Senate,
PICKETT.
For the House,
JENKINS.

Report and amendments adopted, and the Senate notified of this action.

Mr. Sinclair offered the following resolution:

Resolved, That the account of H. B. Kinney, which was reduced by the Finance Committee, and which this House has ordered the Committee on Contingent Expenses to pay at such reduction, be paid in full, and that the Committee on Contingent Expenses be so instructed, without regard to previous action, since it appears that said account was in all respects just and fair.

Resolution read first and second times, and on motion of Mr. Sinclair it was adopted.

Mr. Harn presented a petition signed by the police court of Grimes county, asking the increase of the jurisdiction of justices of the peace.

Petition read and referred to the Judiciary Committee.

Mr. Grothaus offered the following resolution:

Resolved, That in consequence of the accumulation of business in the engrossing department of this House, the Committee on Engrossed Bills be authorized to employ two competent clerks, to facilitate the dispatch of business.

Resolution read first and second times.

On motion of Mr. Robinson the resolution was so amended as to include the Committee on Enrolled Bills, giving that committee the same authority.

On motion of Mr. Sinclair the following proviso was added to the section:

"Provided, that the chairmen of all committees whose clerks have failed to perform duty under direction of the Chief Clerk, in accordance with the resolution of this House, discharge such clerks upon notification to that effect by the Speaker of the House."

On motion of Mr. Schutze the resolution was amended by inserting the word "additional" before the word "competent."

The question then recurring on the adoption of the resolution as amended, it was adopted.

Mr. Tegener moved a suspension of the rules, to take up out of its regular order House bill No. 324, to be entitled "An Act supplementary to an act entitled 'An Act to provide for the protection of the frontier,' approved June 13, 1870."

Rules suspended and House bill No. 324 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Tegener the rules were further suspended, and House bill No. 324 read the third time, passed and its title agreed to.

Mr. Abney introduced a bill, to be entitled "An Act for the relief of the heirs of George W. Wall, deceased."

Bill read the first time and referred to the Committee on Private Land Claims.

Mr. Harn moved a suspension of the rules to take up, out of its regular order, Senate bill No. 186, to be entitled "An Act to incorporate a bank of discount and deposit at Navasota, Texas."

Rules suspended and bill read the first time.

On motion of Mr. Harn the rules were further suspended and and Senate bill No. 186 read the second time.

On motion of Mr. Harn the names of "A. D. Harn and J. M. Gibbs" were inserted in section one as incorporators.

The bill was then ordered to its third reading.

On motion of Mr. Harn the rules were further suspended, Senate bill No. 186 read the third time, passed and its title agreed to.

Mr. Cox moved a suspension of the rules to take up, out of its regular order, House bill No. 172, to be entitled "An Act to amend an act amendatory of 'An Act to incorporate Herman's University,' approved January 27, A. D. 1844, approved February 11, 1860."

Rules suspended and House bill No. 172 read the second time.

Substitute for the bill was then read and adopted in lieu of the original, and ordered to be engrossed and read the third time.

On motion of Mr. Cox the rules were further suspended and substitute for House bill No. 172 read the third time and passed.

The title was amended so as to read as follows: "An Act to amend 'An Act to incorporate Herman's University,' approved January 27, 1844, as amended by an act passed April 11, 1846."

Mr. Cooper moved a suspension of the rules to take up, out of its regular order, House bill No. 99, to be entitled "An Act donating public land to actual settlers."

The bill was then read the second time, ordered to be engrossed and read the third time.

The hour having arrived for the consideration of House bill No. 338, it was, on motion of Mr. Slaughter, postponed until 10:30 A. M., to-morrow.

On motion of Mr. Camp the rules were further suspended, House bill No. 99 read the third time, passed and its title was agreed to.

Mr. Morris moved a suspension of the rules to take up, out of its regular order, House bill No. 413, to be entitled "An Act to incorporote the Jefferson Steam Fire Company No. 1, of the city of Jefferson."

Rules suspended and House bill No. 413 was read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Morris the rules were further suspended, House bill No. 413 read the third time, passed and its title agreed to.

[Mr. Burnett in the Chair.]

Mr. Sinclair offered the following resolution:

Resolved, That the Committee on Printing and Contingent Ex-

penses be, and they are hereby directed, to audit and pay the bill of the Galveston News for the number of copies actually furnished the members of this House, from the beginning to the end of the present session; provided, the price of same shall not exceed five cents per copy.

Resolution read first and second times.

Mr. Robinson moved to amend the resolution by inserting after the words "Galveston News," the words "and Jefferson Radical."

Mr. Leonard moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Johnson, Leonard and Lacy, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Booty, Bonner, Chambers, Cotton, Camp, Dorris, Ellis, Hughes, Haswell, Jenkins, Kyle, Lane, Leonard, Lyons, Miller, Pierson, Ross, Simmons, Slaughter, Smyth, Shelburne, Weaver of Hunt, Weaver of Johnson, —26.

Nays—Messrs. Speaker, Abney, H. R. Allen, Burnett, Cooper, Cox, Dupree, Franks, Gardiner, Grothaus, George, Hamilton, Johnson, Kendall, Lacy, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—38.

So the House refused to lay the amendment on the table.

On motion of Mr. Franks the resolution and amendment were laid on the table.

Mr. Hughes offered the following resolution:

Resolved, That this House consume no more time, during the present session, in the consideration of newspaper questions, but that all resolutions or bills relating in any way to the payment of newspapers, shall hereafter be declared by the Speaker not in order.

Resolution read first and second times.

Mr. Robinson moved to lay the resolution on the table, upon which motion the yeas and nays were called for by Messrs. Slaughter, Ross and Franks, and resulted as follows:

Yeas—Messrs. Camp, Dupree, Dorris, Ellis, Franks, Johnson, Kendall, Moore of Harrison, Mullins, Medlock, Miller, Pierson, Robinson, Schlickum, Schlotman, Slaughter, Stockbridge, Tegener, Williams of Walker, Zoeller—20.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Burnett, Bonner, Chambers, Cooper, Cotton, Cox, Gaston, Gardiner, Grothaus, George, Hughes, Hamilton, Kyle, Lacy Lane, Leonard, Lyons, Morrison, Morris, Mitchel, Prissick, Ross, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman,

Shelburne, Tinsley, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp—44.

So the House refused to lay the resolution on the table.

Mr. Franks offered the following substitute:

Resolved, That this House will not pay for any newspapers other than those which it has agreed to take and pay for by resolutions heretofore adopted.

Mr. Franks moved the adoption of the substitute, upon which the yeas and nays were called for by Messrs. Hughes, Lane and Stirman, and resulted as follows:

Yeas—Messrs. Speaker, Abney, Abbott of Austin, Burley, Burnett, Cooper, Cotton, Dupree, Ellis, Franks, Gardiner, Grothaus, George, Hamilton, Kendall, Lyons, Morrison, Moore of Harrison, Morris, Mullins, Medlock, Miller, Prissick, Robinson, Ross, Schlickum, Schlotman, Sheriff, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Williams of Colorado, Zapp, Zoeller—35.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Bonner, Chambers, Camp, Dorris, Gaston, Hughes, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Guadalupe, Pierson, Schutze, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Weaver of Johnson, Young, York—28.

So the substitute was adopted.

The question recurring on the adoption of the resolution, it was adopted.

The hour having arrived for the consideration of the special order, on motion of Mr. Franks it was postponed for ten minutes.

Mr. Franks moved to reconsider the vote just taken adopting a resolution relative to the pay for papers, and to lay the motion to reconsider on the table. The yeas and nays were called for by Messrs. Sinclair, Gaston and Stirman, and resulted as follows:

Yeas—Messrs. Speaker, Abney, C. L. Abbott, Burley, Burnett, Chambers, Cooper, Cotton, Dupree, Ellis, Franks, Grothaus, George, Johnson, Kendall, Lyons, Morrison, H. Moore, Mitchell, Medlock, Prissick, Robinson, Ross, Schlotman, Sheriff, Tegener, Tinsley, S. S. Weaver, R. Williams, B. F. Williams, Zapp, Zoeller—32.

Nays—Messrs. Austin, Jo. Abbott, Becton, Booty, Bonner, Camp, Dorris, Gaston, Harn, Hamilton, Jenkins, Kyle, Lane, Leonard, J. F. McKee, Miller, Pierson, Schlickum, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, J. C. Weaver, Young—28.

So the motion to lay the motion to reconsider on the table, prevailed.

Mr. Slaughter offered the following resolution:

Resolved, That hereafter the members of this body shall be

restricted to five minutes in debate upon any question, and no man shall be entitled to the floor for a longer period than the time above specified.

Resolution read first and second times.

On motion of Mr. Slaughter, the resolution was amended by striking out the word "hereafter," and inserting the words "for the remainder of this session."

The question recurring on the adoption of the resolution as amended, it was adopted.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills instruct me to report that House bill No. 357 has been examined and found to be correctly enrolled, and that House bill No. 484 has this day been presented to the Governor for approval.

WILLIS G. ROBINSON,
Chairman.

Report accepted, enrolled House bill No. 357 presented to the Speaker, signed by him, and sent to the Senate for the signature of the President of the same.

A message was received from the Senate transmitting enrolled Senate bills Nos. 50 and 200, which were presented to the Speaker, signed by him in open session and returned to the Senate.

Mr. Camp introduced the following joint resolution:

Joint resolution proposing an amendment to the Constitution of the State of Texas:

SECTION 1. *Be it reolsved by the Legislature of the State of Texas*, That the Constitution of the State be so altered and amended that article ten, section six, of the Constitution shall hereafter read as follows:

"ARTICLE X.

"SEC 6. The Legislature shall not hereafter grant lands to any person or persons, nor shall any certificate for land be sold at the Land Office, except to actual settlers upon the same, and in lots not exceeding 160 acres; provided, that nothing herein contained shall prohibit the Legislature from appropriating alternate sections of the public domain (excepting the land heretofore given to counties for school purposes) in aid of works of internal improve-

ment, nor from recognizing any legal individual claim for land heretofore existing against the State."

SEC. 2. That the Governor shall cause this resolution to be duly published in the public prints of the State, at least three months before the next general election of representatives, for the consideration of the people, and cause the returning officers, at the next general election, to open a poll for, and make return to the Secretary of State, of the names of all those voting for representatives, who have voted on this proposed amendment, and shall make due return of the result of said election to the next Legislature thereafter for its action.

Joint resolution read the first time and referred to the Committee on Counties and County Boundaries.

Special order resumed: Senate bill No. 90, to be entitled "An Act to incorporate the Sabine and Neches River and Pine Island Bayou Internal Improvement Company," read the second time.

On motion of Mr. Chambers section four was amended by striking out the words "may alter the same at pleasure."

Mr. Gaston moved to amend section five, line twenty-nine, after the word "than," by striking out the words "two feet," and inserting in lieu thereof the words "three and one-half feet."

Mr. Chambers moved to lay the amendment on the table.

Lost.

The question recurring on the adoption of the amendment, it was adopted.

Mr. Plumley moved to reconsider the vote adopting the amendment.

Mr. Gaston moved to lay the motion to reconsider on the table.

Carried.

On motion of Mr. Cooper section six was stricken out.

The bill was then ordered to be read the third time.

On motion of Mr. Chambers the rules were further suspended, Senate bill No. 90, read the third time, passed, and its title agreed to.

A message was received from the Senate transmitting enrolled bill to be entitled "An Act to incorporate the Bolivar Point and East Texas Railroad Company," which had been signed by the President of the Senate.

Mr. Morrison moved a call of the House.

Call sustained.

Absent—Messrs. C. L. Abbott, R. Allen, Burley, Chambers, Davis, Hughes, Haswell, Johnson, Lacy, McLean and Slaughter.

Messrs. Hughes, R. Allen, Lacy and McLean were excused from attendance.

On motion of Mr. J. F. McKee, the Sergeant-at-Arms was dispatched for the absentees.

Mr. Jo. Abbott moved that the House adjourn, upon which motion the yeas and nays were called for by Messrs. Cooper, Morrison and Robinson, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Jo. Abbott, Booty, Bonner, Haswell, Johnson, Jenkins, Kendall, Lane, Henry Moore, Posey, Pierson, Ross, Schlickum, Schlotman, Sinclair, Stirman, S. S. Weaver, J. C. Weaver, B. F. Williams—21.

Nays—Messrs. Abney, Becton, Burley, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Kyle, Leonard, Lyons, Morrison, Morris, J. F. McKee, Mitchel, Mullins, Medlock, Miller, Plumley, Prissick, Robinson, Schutze, Sheriff, Simmons, Smyth, Stockbridge, Shelburne, Tegener, Tinsley, R. Williams, Young, Youngkin, Zapp, Zoeller—45.

So the House refused to adjourn.

Mr. Miller moved a suspension of the call of the House.

Call suspended.

Mr. Haswell moved that the House adjourn until nine o'clock A. M. to-morow. Lost.

Mr. Jo. Abbott moved that the House adjourn until half-past eight P. M. Lost.

Mr. Dorris moved a call of the House.

Call sustained.

Absent—Messrs. Davis, Johnson and Miller.

Mr. Jo. Abbott moved that the House adjourn until nine o'clock A. M. to-morrow; upon which motion the yeas and nays were called for by Messrs. Chambers, Pierson and J. F. McKee, and resulted as follows:

Yeas—Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, Abbott of Hill, Becton, Booty, Bonner, Ellis, Gaston, Gardiner, Harn, Kendall, Lane, Leonard, Lyons, Moore of Harrison, Pierson, Ross, Schlickum, Schlotman, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, Young—31.

Nays—Messrs. Burley, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Franks, George, Hamilton, Jenkins, Kyle, Morrison, Morris, J. F. McKee, Mitchel, Mullins, Medlock, Posey, Plumley, Prissick, Robinson, Schutze, Sheriff, Smyth, Tegener, Tinsley, R. Williams, York, Youngkin, Zapp, Zoeller—34.

So the House refused to adjourn.

Mr. Stockbridge moved a suspension of the call of the House.

Mr. Haswell moved that the House adjourn until nine o'clock

A. M., to-morrow, upon which motion the yeas and nays were called for by Messrs. Pierson, J. F. McKee and Burley, and resulted as follows:

Yeas—Mesrs. Austin, Abney, Abbott of Austin, H. R. Allen, Jo. Abbott, Becton, Booty, Bonner, Camp, Cox, Ellis, Gaston, Gardiner, Grothaus, George, Harn, Haswell, Johnson, Jenkins, Kyle, Kendall, Lane, Leonard, Lyons, Moore of Harrison, Posey, Pierson, Prissick, Ross, Schlickum, Schlotman, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Weaver of Hunt, Weaver of Johnson, R. F. Williams, York, Young, Youngkin—45.

Nays—Messrs. Richard Allen, Burley, Burnett, Chambers, Cooper, Cotton, Dupree, Dorris, Franks, Hamilton, Morrison, Morris, J. F. McKee, Mitchel, Mullins, Medlock, Plumley, Robinson, Schutze, Sheriff, Tinsley, R. Williams, Zapp, Zoeller—24.

So the House refused to adjourn, two-thirds of those present not voting in the affirmative.

The Sergeant-at-Arms brought in Mr. Miller, one of the absentees.

On motion of Mr. Sinclair he was released from arrest.

On motion of Mr. Evans the call of the House was suspended.

A message was received from the Senate transmitting House bill No. 176, which the Senate had passed, and Senate bills Nos. 132, 261, 275, 330 and 248, asking the concurrence of the House in the same.

[Speaker in the Chair.]

Mr. Stockbridge moved that the House adjourn.

Lost.

Mr. Abney was excused from attendance on account of sickness.

On motion of Mr. Morrison the House resolved itself into Committee of the Whole for the consideration of House bill No. 299, to be entitled "An Act making appropriations for the support of the State government, for the fiscal year, commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1870."

[Mr. Morrison in the chair.]

At 11:30 A. M., the committee rose. The chairman reported progress and asked leave for the committee to sit again at 9:30 A. M., to-morrow.

Report accepted and leave granted.

By leave Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bill No. 454 has been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
C. J. STOCKBRIDGE,
Chairman.

Reported accepted.

On motion of Mr. Grothaus, the House, at 12:45 P. M., adjourned until the usual hour this evening.

EVENING SESSION.

8:30 P. M.

House met pursuant to adjournment; Speaker Evans in the chair.

Roll called; quorum present.

By leave, Mr. Camp, Chairman of the Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom was referred House bill No. 180, entitled "An Act to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers," find it a copy of an act passed by the Eighth Legislature of this State, and approved by Governer Sam. Houston, on the eleventh day of February, 1860, except a change in section eleven of the bill. The original act of February 11, 1860, limited the operations of the same to three years by section eleven, whilst the bill before the committee is limited to two years, so as to give claimants under it the benefit of the three years contained in the act of February 11, 1860—one year of that date only having expired before the late rebellion began in this State, by the adoption of the so-called ordinance of secession, on the twenty-eighth of January, 1861, which revolutionary proceeding, in effect, closed the courts,

and deprived claimants of the benefits of the act approved by Governor Houston.

The bill does not conflict with the provisions of the Constitution recently adopted by this State, as it relates to legal claims against the State existing at the time of the adoption of the present Constitution, and makes no grant of land, but simply provides for the investigation and adjudication of legal claims having their origin previous to the nineteenth day of December, 1836, which, according to the decisions of our Supreme Court, would be held valid by prescription, even without title to the claimants. It is the best interest of the State and the people that there should be as little litigation as possible in regard to land titles, as such litigation tends to retard the settlement of a country, and the object of the bill is to settle and avoid it.

The bill is in strict accordance with the public policy, both of the United States and of this State, in regard to titles emanating from governments having previous dominion of the country. The government of the United States has invariably investigated and confirmed all legal land grants in territory, either purchased, annexed or acquired by treaty, as in the States of Louisiana, Missouri, Florida, Texas (to which was ceded the public domain, with all the rights and burthens pertaining thereto), California New Mexico, etc. [See United States Statutes at large.]

This State has pursued the same policy, as will be seen by the various acts for investigation of land titles in the territory included in this bill. (See act approved February 8, 1850, Paschal's Digest, page 732: act to relinquish the right of the State to certain lands, approved February 10, 1852, Paschal's Digest, page 734; act approved February 11, 1854, Paschal, page 738; and act approved by Governor Houston, approved February 11, 1860, Paschal, page 739, of which this bill is a copy,) and other acts to the same effect.

The decisions of the courts of the United States, and of this State, have been in strict conformity with the just and wise policy of the General and State Governments. "By modern usage," says our Supreme Court, "the effect of revolution is not to divest the inhabitants of their property, or to destroy private rights. Could a more sweeping mode of confiscation be adopted, than by a destruction of the evidences of title, or an extinguishment of their force and effect?" And again, "We are sincerely persuaded that a judicial recognition (of the proposition that by the revolution that separated Texas from the rest of Mexico, all titles to land previously obtained, were annulled,) by this court, of its resuscitation and its vital influence on rights of property, would shock the moral sense of the civilization of the nineteenth century. The language of the

late Chief Justice Marshall, in the case of Juan Perchman, (7 Peters), is so very explicit and appropriate, that it will not be deemed improper to insert it: He says: It may be worthy of remark, that it is very unusual, even in cases of conquest, for the conqueror to do more than displace the sovereign and assume dominion over the country. The modern usage of nations, which has become law, would be violated; that sense of justice and right which is acknowledged and felt by the civilized world, be outraged, if private property should be generally confiscated and private rights annulled. The people change their allegiance, their relation to their ancient sovereign is dissolved, but their relation to each other and their rights of property remain undisturbed." In accordance with these principles the court decides that individual rights of property remain unchanged, and that any attempt to destroy them would be a flagrant outrage which could not be presumed, but would require the support of the most direct and explicit affirmative declaration of such intent.

(See cases of McMullins *vs.* Hodge, and Hardy *vs.* De Leon, 5th Texas, and Paschal *vs.* Peres, and Hancock *vs.* McKinney, 7th Texas.)

It is laid down by Judge Story, "that the doctrine of the Common Law is so fully established on this point that it would be useless to do more than to state the universal principle which it has promulgated; that is to say, that in regard to the merits and rights involved in actions, the law of the place where they originated is to govern. But the forms of the remedies and order of judicial proceedings are to be according to the law of the place where the action is substituted, without any regard to the counsel of the parties, the origin of the right, or the country of the act."

The bill before the committee has been drawn with strict reference to the public policy, the precedents, the judicial decisions, and the principles of law as established by the highest authorities, legislative and judicial, both National and State; and its object is to place the investigation of the claims in question before the courts, where they will be subject to judicial scrutiny; whereby the rights, both of the State and the claimants, can be more exactly and clearly defined than would be the case by an appeal to the Legislature for relief. The Congress of the United States has established a court of claims, and it would be a wise policy in all legislative bodies to submit, whenever practicable, all questions of claims against the State to judicial investigation rather than consume the time of legislators in such matters, to the detriment of their appropriate duties.

Your committee have found it necessary to make several changes

in the original bill, and therefore report the accompanying substitute, and recommend its passage.

L. B. CAMP,
Chairman Committee on Public Lands, etc.

Report and bill passed to orders of the day.

On motion of Mr. Burnett the rules were suspended and report of the Judiciary Committee and accompanying bill, on probate matters, were recommitted to the Judiciary Committee.

By leave, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom House bills Nos. 77, 79, 84, 493, 197, 289, 324, 327, 336, 461, 466, 480 and 491, have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman of Committee.

Report accepted.

A message was received from the Governor, and, on motion of Mr. Camp, the rules were suspended to allow the reading of the same.

EXECUTIVE OFFICE,
Austin, August 4, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I return herewith "An Act to organize, incorporate and aid the East Line and Red River Railroad Company of Texas," which originated in your House.

I find that this act proposes to guarantee the interest at seven per cent., gold, on thirty thousand dollars to the mile for a railroad running from Beaumont, Jefferson county, to a point on Red River at or near Preston, in Grayson county, and also the same guarantee for a branch from, at or near, Sherman or Kentucky Town, in Grayson county, to the city of Jefferson, in Marion county.

The length of main line and branch, which it is thus proposed to guarantee, would be, together, in a straight line, more than four hundred and fifty miles. Actually, it would probably exceed five hundred miles, if built under this charter. The amount of bonds, then, which might be issued under the charter, and for the interest

of which, at seven per cent., the State would be responsible, would amount to fifteen millions of dollars.

To state this proposition, seems to me to be sufficient to condemn it, but there are other reasons why the act should be reconsidered.

It is not at all likely that the roads proposed to be built would, in good faith, cost thirty thousand dollars per mile. A railroad even of the widest gauge used in our State would not, on the routes proposed, cost beyond twenty thousand dollars to the mile on an average; my information leads me to believe that they would not cost so much. This arrangement would, therefore, open the door to the speculation of the issuance of guaranteed bonds at thirty thousand dollars per mile, when, as the railroad would actually cost ten thousand dollars less, the speculator might pocket the difference and leave the State to take the road and pay the interest. If it is proposed to aid the building by this system of guarantee, the amount of bonds should certainly be limited to the actual cost of the road. While this system may be the safest for the State to adopt, still capitalists, who propose to engage in constructing roads, should be required to invest some of their own money.

There are other objections to the act, but of these I will only mention the further one, that we have no assurance of the responsibility of the corporators herein, or their willingness to engage in this enterprise.

The names of several citizens of Texas are inserted, but I am informed that all of these have not been consulted. As regards the corporators living out of the State, I have no assurance of their responsibility, or that those of them (if any) who have capital to invest, propose in good faith to do so here.

I believe it is the desire of all that charters should not be granted to parties who may use them with the purpose of selling out on speculation.

Respectfully,

EDMUND J. DAVIS,
Governor.

Mr. Harn moved that the message be referred to a select committee of five.

Carried.

In accordance with resolution adopted yesterday, Mr. Mullins called up House bill No. 228, to be entitled "An Act to extend and define the limits of the city of Waco, and for other purposes."

Bill read the second time.

The following amendment, recommended by the Committee on Town and City Corporations, was adopted:

Add to section three, to follow the word "chosen," the following:

"and all elections for officers shall be governed by the general laws of the State upon elections."

House bill No. 228 was then ordered to be engrossed and read the third time.

On motion of Mr. Lane the rules were snspended and House bill No. 228 read the third time, passed, and its title was agreed to.

Mr. Johnson called up Senate bill No. 296, to be entitled "An Act declaring that the time between the date of the so-called ordinance of secession and the date of the acceptance by the Congress of the United States of the State Constitution, shall not be counted or reckoned against railroad companies," which was read the first time, and referred to the Judiciary Committee.

Mr. Medlock called up House bill No. 430, to be entitled "An Act to incorporate the Mutual Benefit Life Insurance Company of Texas," which was recommitted to the Judiciary Committee.

Mr. Haswell called up House bill No. 166, to be entitled "An Act to incorporate the Southwestern Insurance and Trust Company," which was read the second time.

On motion of Mr. Plumley section one was amended by striking out the name of "Selim Rinker" and inserting the names of "Henry B. Andrews, A. D. Harn, T. C. Armstrong, M. Quinn and A. J. Ward."

On motion of Mr. Plumley section two was amended by striking out the words, "and to promote industrial enterprises in Texas and elsewhere."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Plumley the rules were suspended, House bill No. 166 read the third time, passed, and its title was agreed to.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills instruct me to report that they have examined House bills Nos. 70, 105 and 200, and find the same correctly enenrolled.

WILLIS G. ROBINSON,
Chairman of Committee.

Report accepted, and bill signed by the Speaker.

Mr. Miller called up substitute for Senate bill No 248, to be entitled "An Act to incorporate the Texas and Mexico Railway Company," which was read the first time and referred to the Judiciary Committee.

Mr. R. L. Moore called up Senate bill No. 26, to be entitled "An Act to incorporate the Texas Military Institute," which was read the first time.

On motion of Mr. Jenkins the rules were suspended, and Senate bill No. 26, read the second time.

Mr. Schutze moved that the bill be rejected, upon which motion the yeas and nays were called for by Messrs. Miller, Franks and Schutze, and resulted as follows:

Yeas—Messrs. Richard Allen, Burnett, Cotton, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Kendall, Morrison, Moore of Harrison, Morris, McKee, of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Schlickum, Schlotmon. Schutze, Sheriff, Sinclair, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—35.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Bonner, Chambers, Cooper, Camp, Ellis, Gaston. George, Hughes, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Moore of Red River, Posey, Simmons, Smyth, Shelburne, Weaver of Johnson, Young—29.

So the bill was rejected.

Mr. Harn called up Senate bill No. 2, to be entitled "An Act to incorporate the Jefferson and Shreveport Railroad Company, to provide the ways and means for constructing and maintaining their road, and to authorize the sale of said road, and the acquisition by the company of other road or roads," which was read the first time, and made the special order for Tuesday next at 9:30 A. M.

On motion of Mr. Austin, the House at 10:15 o'clock adjourned until the regular hour to-morrow morning.

HOUSE OF RERESENTATIVES,
AUSTIN, TEXAS, August 6, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

On motion of Mr. Zoeller the reading of yesterday's journal was dispensed with.

On motion of Mr. Plumley the House rescinded its action in granting the use of the hall this evening for the use of the State guards.

Mr. Cooper, Chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred a petition of a portion of the citizens of Fayette county, protesting against the creation of the county of Lincoln, have had the same under consideration, and after considering the same beg leave to report that, as the bill for the creation of said county of Lincoln has been reported by your committee, asking for the passage of the same, your committee, therefore, herewith return said petition, and ask that it be filed with said bill and considered at the proper time; wherefore your committee asks to be discharged from the further consideration of the subject.

COOPER,
Chairman.

Petition filed with the bill in this case.

Mr. Cooper also submitted the following report:

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred a joint resolution proposing an amendment to the State constitution, have examined the same with that careful consideration which its great importance demands, and, after mature deliberation thereon, are of the opinion that to adopt the resolution would be of incalculable advantage to the State, and would place

this Legislature in harmony not only with the progressive tendencies of the age, but also in accord with the views of the liberal and enlightened sentiments of our constituents.

Under our constitution as it is, grave doubts are entertained by many as to the right of the Legislature to grant lands to works of internal improvement, and, hence, we are driven to the necessity of direct taxation as a means of fostering and promoting those indispensable enterprises, without which our State must long remain in the background of progress, whilst over a million of acres of our public domain is locked up and rendered, practically, almost valueless by an ambiguous clause in our State constitution. But let that prohibition be removed, and soon its wide-spread benefits will be realized in every department of industry and material prosperity. The ponderous wheels of the locomotive would quickly resound along our Indian frontier, leaving in their track the blessings of civilization and enlightened legislation, and banishing thence the scalping-knife of the savage. No further protection would be required for our now bleeding frontier, whilst millions of wealth and population would pour into our prosperous and powerful State.

Your committee, therefore, ask the adoption of the joint resolution.

COOPER,
Chairman.

Mr. Camp moved a suspension of the rules to take up the joint resolution (House joint resolution No. 25) proposing an amendment to the constitution of the State of Texas.

Joint resolution read the first time, and, on motion of Mr. Burnett, it was made the special order for Tuesday next, at 10:30 A. M.

Mr. Morris, Chairman of the Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 482, entitled "An Act to incorporate the town of Burton, in Washington county," having carefully examined said bill, respectfully return the same and recommend its passage.

C. D. MORRIS,
Chairman

Report and bill passed to orders of the day.

Mr. Abney, Chairman of Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 495, entitled "An Act for the relief of the heirs of George W. Wall, deceased," have carefully examined the merits of the same, and finding the facts set forth in the preamble to said act strictly true, believe that it is right and proper that relief should be granted. We therefore return the bill with a recommendation that it do pass.

ABNEY,
Chairman.

Report and bill passed to orders of the day.

Mr. Camp, Chairman of Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The Committee on Public Land and Land Office, to whom was referred the memorial of James Hewetson, the surviving partner of the firm of Power & Hewetson, who were Empresarios under the government of Coahuila and Texas, for the colonization of a very considerable portion of Western Texas, after having examined witnesses and caused the archives of the General Land Office of Texas to be examined, are convinced from the proofs that Messrs. Power & Hewetson did render services in the way of colonizing which the State of Coahuila and Texas very properly considered as being entitled to recognition and reward. Your committee find that decree No. 253, to be found on pages 230-1, of the authorized edition of the laws and decrees of the State of Coahuila and Texas, was enacted to indemnify in some sort the Empresarios Power & Hewetson for losses incurred by them in their colonization enterprise. which enterprise was not only highly beneficial to Coahuila and Texas then, but has been eminently advantageous to the State of Texas since, and that they have not received title to any part of the land granted them in the decree. They also find that Doctor James Hewetson, who is one of the last, if not the last survivor of the Empresarios for the colonization of Texas, is justly entitled to have what he has sought to obtain by his memorial, and that James Power, whose surviving partner he is, is dead. It is but proper that while the surviving partner gets his share of the land, the heirs of the deceased partner should receive theirs also.

Hence, your committee deem it incumbent upon them, as a matter of right and justice, and not of power, to report the accompanying joint resolution and recommend that the same be passed.

CAMP,
Chairman.

Report and joint resolution passed to orders of the day.

Mr. Morrison introduced a bill to be entitled "An Act to authorize the Governor of the State to arrange with the military authorities for the reception and confinement of certain military prisoners in the penitentiaries and prisons of the State."

Bill read the first time and referred to the Committee on Penitentiary.

Mr. Jenkins introduced a bill to be entitled "An Act to incorporate Oak Grove Academy, in Coryell county, Texas"

Bill read the first time, and referred to the Judiciary Committee.

Also. a bill to be entitled "An Act to prohibit the sale of spirituous, vinous, or other intoxicating liquors, within two miles of Oak Grove Academy, in Coryell county."

Bill read the first time and referred to the same committee.

Mr. Youngkin introduced a bill (House bill No. 496), to be entitled "An Act to require the judge of the twentieth judicial district to hold a special term of the district court of Lavaca county."

Bill read the first time.

On motion of Mr. Franks, the rules were suspended and House bill No. 496 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Franks, the rules were further suspended, House bill No. 496 read the third time, passed and its title agreed to.

Mr. Pierson introduced a bill (House bill No. 500) to be entitled "An Act amendatory of an act approved October 1, 1866, granting to James T. Tarren the privilege of constructing a ferry accross Big Cypress."

Bill read the first time and referred to the Committee on Roads, Bridges and Ferries.

Also a bill (House bill No. 501) to be entitled "An Act to incorporate the Gilmer Manufacturing Company."

Bill read the first time.

On motion of Mr. Pierson, the rules were suspended, House bill No. 501 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Pierson, the rules were further suspended, House bill No. 501 read the third time, passed and its title was agreed to.

The hour having arrived for the consideration of the special order, on motion of Mr. Becton it was postponed for ten minutes.

Mr. Becton moved a suspension of the rules to take up out of its regular order substitute for Senate bill No. 258, to be entitled "An Act to authorize clerks of the district courts, their deputies and notaries public to take acknowledgment of deeds and other written instruments."

Rules suspended and bill read the first time.

On motion of Mr. Becton, the rules were further suspended, substitute for Senate bill No. 258 read the second time and ordered to its third reading.

On motion of Mr. Jenkins the rules were further suspended, substitute for Senate bill No. 258, read the third time, passed, and its title agreed to.

Mr. Burnett moved a suspension of the rules to take up out of its regular order substitute for Senate bill No. 23, to be entitled "An Act to carry into execution the judgments and decrees of the late county courts and to perfect the unfinished business of the same."

Rules suspended, and bill read the first time.

On motion of Mr. Jenkins the rules were further suspended and substitute for Senate bill No. 23, read the second time, and ordered to its third reading.

On motion of Mr. Jenkins the rules were further suspended, substitute for Senate bill No. 23, read the third time, passed, and its title agreed to.

By leave, Mr. B. F. Williams presented a copy of the proceedings, and a resolution adopted, of a mass meeting held by citizens of Colorado county, protesting against the formation of a new county from a portion of Colorado county, which was read and referred to the Committee on Counties and County Boundaries.

The Speaker appointed Messrs. Harn, Plumley, R. Williams, Becton and Kyle as select committee on the veto message of the Governor of the East Line and Red river railroad.

On motion of Mr. Morrison the House resolved itself into Committee of the Whole for the consideration of House bill No. 299, a bill making appropriation for the fiscal year ending August 31, 1871, etc.

[Mr. Morrison in the Chair.]

House resumed. 9:30 A. M.

[Speaker in the Chair.]

A message was received from the Senate, transmitting enrolled Senate bills Nos. 36, 98 and 58, which were presented to the Speaker, signed by him, and returned to the Senate; also, trans-

mitting House bills Nos. 152, 368, 416, 465, 486 and 487, announcing that the Senate had passed the same; and also transmitting Senate bill No. 337, asking the concurrence of the House in the same.

Commmittee of the Whole resumed.

[Mr. Morrison in the Chair.]

At ten A. M. the committee rose.

The Chairman reported progress, and asked leave to sit again at half-past ten o'clock this morning.

Report accepted and leave granted.

The hour arrived for the consideration of the special order, viz.: the veto message of the Governor of a bill, entitled "An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated."

Mr. Burnett moved a call of the House.

Call sustained.

Absent—Messrs. Haswell, Robinson, Morris, Schlickum and Schutze.

Mr. Morris was excused from attendance for the day.

Mr. Grothaus moved a suspension of the call of the House.

Call suspended.

The question recurring. "Will the House, on reconsideration pass the bill?" the yeas and nays being called, resulted as follows:

Yeas—Messrs. Austin, Abney, H. R. Allen, Abbott of Hill, Becton, Booty, Bonner, Chambers, Cooper, Camp, Ellis, Gaston, Hughes. Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Moore of Harrison, McLean, Miller, Posey, Pierson, Ross, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tinsley, Weaver of Hunt, Weaver of Johnson, Young, York—39.

Nays—Messrs. Speaker, Abbott of Austin, Richard Allen, Burley, Burnett, Cotton, Cox, Dupree, Davis, Dorris, Grothaus, George, Harn, Hamilton, Lyons, Morrison, McKee of Guadalupe, Mitchell, Mullins, Medlock, Plumley, Prissick, Schlotman, Tegener, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—29.

So the House, on reconsideration, refused to pass the bill, two-thirds of the members present not voting in the affirmative.

A message was received from the Governor.

On motion of Mr. Slaughter the rules were suspended to allow the consideration of the following message of the Governor:

EXECUTIVE OFFICE,
Austin, August 6, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I feel it my duty to return to your House, where it originated, "An Act for the relief of the Houston and Texas Central Railway Company," and ask that the same be reconsidered.

The constitution (article nine, section nine) provides that the Legislature "shall, from time to time, as may be necessary, invest the principal of the school fund in the bonds of the United States government, and in no other security." The act under consideration entitled "An Act for the relief of the Houston and Texas Central Railway Company," is in direct conflict with the constitutional provision cited. It undertakes, after attempting to consolidate the Washington county Railroad Company with the Central, to make an investment of a portion of the school fund that had been loaned to the two companies named prior to the adoption of the present constitution, in new bonds of the Central, (which the preamble of the act says are "*issued*" while the body says "*are issued or to be issued*") and to release $152,864 55 of the school money *altogether*. The whole amount that this company is indebted to the school fund (including this amount proposed to be released) was, on March 1, 1870, $756,197 57.

It does not lie within the power of the Legislature to invest or re-invest the school fund otherwise than as provided by the constitution. It cannot remit or grant any portion of that fund as is attempted in this act.

Section four of this act, under the guise of relieving from a forfeiture under an act of September 21, 1866, styled "An Act granting lands to the Houston and Texas Central Railway Company," appears to be an ingenious device to evade section six of article ten of the constitution, and to continue to that company a grant of land which has been forfeited by its *own failure* to comply with the law, and which has been cut off by the constitution.

Section six of the act provides that "all laws and parts of laws now in force concerning this company, not in conflict with the foregoing provisions, shall not be affected by the passage of this act," a seemingly unnecessary and harmless provision, but one which must have been devised so as to declare by implication that "all laws and parts of laws in conflict with it are by it affected" or *amended*. As section eighteen of article twelve of the constitution does not permit a law to be revised or amended by reference to its title, it is surely not competent for the Legislature to "*affect*,"

that is *revise* or *amend*, laws and parts of laws by implication and without so much as making reference to their titles.

Time only remains to call to your attention two other constitutional objections to this act.

Section two of the act, by providing for the investment of the school fund in new bonds "issued or to be issued by virtue of a deed of trust executed by said company on the first day of July A. D. 1866," makes the act a "retroactive law" and causes it to conflict with section fourteen of article one of the constitution.

This provision merits a most serious consideration not only on account of the constitutional point, but because it suggests inquiry as to the validity of a deed and bonds made (whether in behalf of one or both of the roads mentioned in the act) prior to any lawful authority on the part of either or both to make them.

Had section seventeen of article twelve of the constitution prescribed that every law enacted by the Legislature "shall embrace *more than* one object, and they shall *not* be expressed in the title" instead of the contrary, this act might, so far as its title is concerned, be held to have complied with its requirements, but not otherwise. If instead of "An Act for the relief of the Houston and Texas Central Railway Company," it had been styled "An Act investing and donating portions of the school fund;" "An Act for the relief of the Washington County Railroad Company," or "An Act to consolidate and confer new affirmative franchises to the railroad companies in it named," its title would carry a better idea of the chief of the various objects embraced in its scope, some of which (such as the right to branch) do not lie within the import of the vague word "*relief.*" Considerations of public policy, some of which are obvious, might be urged against this act, but to present them would be superfluous.

Upon an examination of the statutes abundant evidences will appear that perhaps no corporation chartered by this State has dealt more largely in promises and has been more slack in performance; has more frequently come forward in one mode or another for relief, and has caused greater cost in the way of legislation for its own benefit than the corporation that has obtained this act. The fact that such is its record should not operate in its *favor*, especially when it sets at naught the constitution, and seeks to spoliate the school fund.

The act asserts in the preamble that the State may exchange its present lien for the seven per cent. bonds of the company "without in any manner endangering the school fund."

This statement is not the *truth*. The said seven per cent. bonds of the Houston and Texas Central Railroad are now worth in the

money market, about eighty-five to eighty-eight cents per dollar in currency. My correspondents in New York, to whom I applied for information, write as follows: "In looking around to find the market value to-day, (15th July), I was offered eighty-five for $100,000;" "were a large sum put on the market of these bonds, under orders to sell promptly, I doubt whether they would bring even 85 flat." * * * The agent's price for the bonds in New York is ninety, and accrued interest; but I doubt very much whether any sales for money have been made for that price; at least, I know that our firm have frequently bought and sold these bonds for years past, and always under the agent's price."

As the lien we now have on this railroad is worth dollar for dollar in gold, and the amount can be realized at once, and as gold is now selling at upwards of 120 per cent. in currency, and as we can take this currency and buy these very bonds at eighty-five cents on the dollar, it can very easily be seen that the school fund is *endangered* to the amount of more than $250,000 currency by this exchange.

But in addition, the act as before stated, proposes to release $152,864 55. The company claims this under pretence that it was paid during the rebellion, in conformity with laws then controlling. The fact is, that all railroad companies indebted to the school fund, were, by an act passed January 11, 1862, relieved from the necessity of any payment of either interest or principal of the school fund, till "six months after the termination" of the war. Acts were subsequently passed, (December 16, 1863, and November 15, 1864,) allowing the companies to pay interest and principal in Texas treasury warrants, and bonds and coupons. These acts were passed *avowedly* for the purpose of keeping up the credit of that sort of money and security issued by a government in hostility to the United States, and the recognition of payments made thereunder violates the spirit (if not the letter,) both of the fourteenth amendment to constitution of the United States, and section thirty-four, article twelve, of our own constitution. Further, the payments made by these companies, were delayed till the class of currency paid in was scarcely worth as much as waste paper. The only payments made by the Houston and Texas Central Railroad, were from January to August 1864, when this paper might *possibly* have averaged twenty-five or thirty for one dollar of gold, but not more; while the only payment made by the Washington county railroad was in May 1865, ($31,543 80) *more than one month after* the surrender of General Lee. These are the sort of payments which the act proposes to accept as equivalent to gold.

These two roads have, since 1867, ceased *altogether* to make pay-

ments of either principal or interest due the school fund, not, however, from *inability* to pay, as the receipts of the Houston and Texas Central Railroad *alone*, since that year, beyond all current expenses, have been largely more than sufficient to pay off all the indebtedness of both roads.

While we are debating the propriety of a system of internal improvements to be aided by the State, the management of this Houston and Texas Central Railroad, in its relation to the State and its influence on legislation, may well cause us to hesitate.

At every session of the Legislature and conventions of the people for years past, this road has managed to procure some legislation to "*relieve*" it from the consequences of its *own* want of compliance with its promises, entered into under *previous acts of relief*. The present act is a sweeping instance of the sort. Overflowing with wealth wrung by exorbitant charges from the people, forgetting the princely donation it has already received in lands, and emboldened by previous success, its managers now throw off the last scruples, and seek to evade their solemn obligations in every respect, even grasping at the fund sacredly hoarded for the education of the children of the State.

So far, this corporation has been successful in enforcing its demands; and it remains to be seen whether any limit can be placed thereon. If this comparatively weak corporation can thus control legislation, and defy law, justice and its own obligations, what may we expect from the great monopolies we are anxious to build up!

An exhibition of patriotic firmness on the part of the Legislature, in resisting this project, will save the State from many ills.

Respectfully,

EDMUND J. DAVIS,

Governor.

Mr. Hughes moved that the consideration of the Governor's message be made the special order for Tuesday next, at 10 o'clock A. M., and that the message be printed.

Mr. B. F. Williams moved a call of the House.

Call sustained.

Absent—Messrs. Posey, Robinson and Tinsley.

Mr. Robinson was excused from attendance for the day.

On motion of Mr. B. F. Williams the Sergeant-at-Arms was dispatched for the absentees.

Mr. Burnett moved a suspension of the call of the House.

Call suspended.

The question recurring on the motion of Mr. Hughes, it was lost.

A message was received from the Senate transmitting House en-

rolled bills Nos. 70, 105 and 200, which have been signed by the President; also House bill No. 278, which has passed the Senate; also transmitting Senate joint resolution No. 5, substitute for Senate bill No. 97, Senate bills Nos. 246, 257, 286, 329 and 333 asking the concurrence of the House in the same, and also announcing that the Senate had adopted the report of the Committee of Free Conference on Senate bill No. 82, to be entitled "An Act to incorporate the Waco Tap Railroad Company."

[Mr. Burnett in the Chair.]

The question being "Will the House, on reconsideration, pass the bill?" the yeas and nays being taken, resulted as follows:

Yeas—Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, R. Allen, Jo. Abbott, Becton, Burley, Booty, Bonner, Cooper, Cotton, Camp, Dorris, Ellis, Franks, Gaston, Gardiner, George, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Henry Moore, McLean, Miller, Posey, Pierson, Plumley, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Tegener, S. S. Weaver, J. C. Weaver, Young, York—50.

Nays—Messrs. Speaker, Burnett, Chambers, Cox, Dupree, Davis, Grothaus, Hughes, Harn, Locke, Morrison, J. F. McKee, Mitchel, Mullins, Medlock, Prissick, Robinson, Smyth, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—23.

So the House, on reconsideration, passed the bill.

Mr. Evans moved that the House resolve itself into Committee of the Whole for the consideration of House bill No. 299.

Mr. Jo. Abbott moved that the House adjourn, upon which motion the yeas and nays were called for by Messrs. Slaughter, Dupree and Mullins, and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Booty, Chambers, Cotton, Davis, Ellis, Gaston, Gardiner, Grothaus, George, Hughes, Hamilton, Haswell, Kyle, Lacy, Lane, Leonard, Morrison, Medlock, Miller, Posey, Ross, Schlickum, Schlotman, Sheriff, Simmons, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Weaver of Hunt, Weaver of Johnson, Young, York, Youngkin—42.

Nays—Messrs. Becton, Burnett, Cooper, Camp, Cox, Dupree, Dorris, Franks, Harn, Johnson, Kendall, Locke, H. Moore, McLean, J. F. McKee, Mitchel, Mullins, Pierson, Plumley, Prissick, Robinson, Schutze, Slaughter, R. Williams, B. F. Williams, Zapp, Zoeller—27.

So the House refused to adjourn, two-thirds of the members present not voting in the affirmative.

On motion of Mr. Franks the House, at half-past twelve P. M., adjourned until half-past eight this evening.

EVENING SESSION.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called; quorum present.

By leave, Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom House bills Nos. 172 and 496 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
C. J. STOCKBRIDGE,
Chairman.

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom House bills Nos. 166, 228, 256, 276, 309, 390, 392, 413 and 492 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed. Very respectfully,

STOCKBRIDGE,
Chairman of Committee.

Reports accepted, and a messenger was dispatched to the Senate with the bills.

By leave, Mr. Schutze, Chairman of the Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 445, entitled "An Act to incorporate the Hebrew Benevolent Association of the city of Bryan," beg leave to report the same back and recommend its passage.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 402, entitled, "An Act for the payment of assessors and collectors of this State for taking the scholastic census of the years 1867, 1868, 1869 and 1870," have considered the same, and instruct me to report it back with the recommendation that it pass.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

COMMITTEE ROOM,
Austin, August 5, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 456, entitled, "An Act to incorporate the Houston Furniture Factory," beg leave to report the same back and recommend its passage.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

Reports and bills passed to orders of the day.

Mr. Schlickum was excused from attendance for the evening.

The following message was received from the Governor, and, on motion of Mr. Sinclair, the rules were suspended to allow its consideration:

EXECUTIVE OFFICE
Austin, August 6, 1870,

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I herewith return to your House, where it originated, "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company."

My main objection to this act is, that it places a tax upon the trade of the city of Jefferson, which, if this act becomes a law, the people of that city and surrounding country cannot evade; while, if left to their own exertions, they will probably improve the said highway themselves, and make it free to all. I understand that a project of this kind is now on hand, and that the people of New Orleans have provided some aid to the enterprise. Under the act passed by the Legislature during its present session, there is a provision authorizing

the issue of bonds to the extent of $500,000, the proceeds to be used, among other purposes, in "aiding the improvement of the navigation between the said city of Jefferson and Shreveport, Louisiana."

This provision does away with the *necessity* of the charter which I return to your House, if indeed any necessity ever existed.

Further, I have to state that I am satisfied, on inquiry, no large number of the business and other people living at Jefferson, or within the district of country tributary (in a business sense,) to Jefferson, desire the proposed charter.

Respectfully,

EDMUND J. DAVIS,
Governor.

Mr. Slaughter moved that the veto message be referred to the Committee on Town and City Corporations.

Lost.

Mr. Grothaus moved that the message be referred to the Committee on Roads, Bridges and Ferries.

Lost.

On motion of Mr. Sinclair the message was made the special order for Tuesday next, at twelve o'clock noon.

Under resolution adopted on the fourth instant, Mr. Hughes called up House bill No. 477, to be entitled "An Act authorizing the Governor to order an election to be held in Hill county for the permanent location of their county seat," which was read the first time.

On motion of Mr. Jo. Abbott the rules were suspended, and House bill No. 477 read the second time.

On motion of Mr. Hughes section two was amended by striking out all of said section after the word "held," in line three, and inserting the following:

"And the town receiving two-thirds of the votes cast shall be the permanent county seat of the county of Hill; but should no place receive two-thirds of the votes cast, the present county seat shall remain the permanent one."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Tegener the rules were further suspended, House bill No. 477 read the third time, passed and its title agreed to.

Mr. Posey called up Senate bill No. 196, to be entitled "An Act to incorporate the Florence Male and Female High School, and to prohibit the sale of spirituous or other intoxicating liquors within six miles of the same," which was read the first time.

On motion of Mr. Posey the rules were suspended, and Senate bill No. 196 read the second time.

A message was received from the Senate, transmitting House bills Nos. 440, 85 and 356, and House bill No. 314, with amendments, which the Senate had passed; also, Senate bill No. 265, asking the concurrence of the House in the same.

A messenger was dispatched to the Senate with House bill No. 262; also with Senate bill No. 26, entitled "An Act to incorporate the Texas Military Institute," which the House has rejected; also, with Senate enrolled bill entitled "An Act for the relief of the East Texas Railway Company, and to authorize it to branch the same as therein stated," vetoed by the Governor, which the House on reconsideration has refused to pass; and also with enrolled House bill entitled "An Act for the relief of the Houston and Texas Central Railway Company," vetoed by the Governor, which the House on reconsideration has passed.

On motion of Mr. Schutze, Senate bill No. 196, was referred to the Committee on Education.

Mr. George called up Senate bill No. 272, to be entitled "An Act to incorporate the North Texas Manufacturing Company," which was read the first time.".

On motion of Mr. George the rules were suspended, and Senate bill No. 272 read the second time and ordered to its third reading.

On motion of Mr. George the rules were further suspended, Senate bill No. 272 read the third time, passed, and its title was agreed to.

Mr. Pierson called up a bill, (House bill No. 502,) to be entitled "An Act to prohibit the sale of spirituous or vinous liquors within five miles of Pittsburg Institute, Upshur county, Texas," which was read the first time.

On motion of Mr. Leonard the rules were suspended, and House bill No. 502 read the second time.

On motion of Mr. Pierson section one was amended by striking out the words "five miles," and inserting in lieu thereof the words "two miles."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Jenkins the rules were further suspended, House bill No. 502, read the third time, passed, and its title agreed to, after striking out the words "five miles," and inserting in lieu thereof the words "two miles."

Mr. Grothaus called up House bill No. 233, to be entitled "An Act to incorporate the Indianola Hook and Ladder Company No. 1, of the city of Indianola," which was read the second time, ordered to be engrossed, and read the third time.

On motion of Mr. Grothaus the rules were suspended, House bill No. 233, read the third time, passed, and its title was agreed to.

Mr. Plumley called up House bill No. 203, to be entitled "An Act to incorporate the Corouqua Bridge and Road Company," which was read the second time.

The amendments, recommended by the Committee on Roads, Bridges and Ferries, were, on motion of Mr. Plumley, laid on the table.

On motion of Mr. Plumley section one was amended by inserting the name of "Thomas F. McKinney" as one of the incorporators.

On motion of Mr. Plumley section five was stricken out, and the following substituted in lieu thereof:

"SEC. 5. That to enable said company to accomplish the object of its incorporation, said company shall have the right to use the material from the bottom of the bay, and from the reefs and shoals, for the distance of two hundred yards on each side of said causeway and bridge, for the purpose of constructing and repairing the same, and of the approaches thereto; and no other bridge (except for the use of railroads) shall be built within two miles of said bridge on each side during the continuance of this charter."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Leonard the rules were suspended and House bill No. 203 read the third time, passed, and its title was agreed to.

Mr. Burley moved to adjourn until the regular hour on Monday next. Lost.

Mr. Gardiner called up House bill No. 205, to be entitled "An Act to incorporate the Bryan Bridge Company and allow them certain privileges," which was read the second time.

Substitute for same, offered by the Committee on Roads, Bridges and Ferries, was then read and adopted in lieu of the original bill, and ordered to be engrossed and read the third time.

On motion of Mr. Sinclair the rules were suspended, House bill No. 205 read the third time, passed, and its title was agreed to.

Mr. Prissick called up House bill No. 446, to be entitled "An Act supplementary to an act to incorporate the Victoria and Columbia Railroad Company, approved November 13, 1866," which was read the second time.

The following amendment, recommended by the Committee on Internal Improvements, was adopted:

In section two, line eleven, strike out the figures "1874" and insert in lieu thereof the figures "1873."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Jenkins the rules were suspended, House bill No. 446 read the third time, passed, and its title was agreed to.

On motion of Mr. B. F. Williams the House, at 10 o'clock P. M. adjourned until Monday at 9 o'clock A. M.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, August 8, 1870.

House met pursuant to adjournment; Speaker Evans in the chair.

Roll called; quorum present.

On motion of Mr. Austin, the reading of the journal of Saturday, August 6, was dispensed with.

Mr. Abney presented the petition of the police court, of Sabine county, asking the passage of a special act authorizing the transcribing of the surveyor's books, which was read and referred to the Committee on Public Lands and Land Office.

Mr. Burnett, Chairman of the Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Judiciary Committee, to whom was recommitted House bill heretofore reported by this committee, entitled "An Act prescribing the mode of proceeding in district courts in matters of probate," having again carefully considered the same, respectfully report the accompanying bill with the same title and recommend its passage. The bill herewith presented is the same as the original one reported by this committee with such amendments as a careful re-examination suggested. The committee acknowledge the assistance of the Senate Judiciary Committee and of other members of both houses of the Legislature, in in the reconsideration of the bill. The committee would also again acknowledge the invaluable services of Hon. John Sayles, the distinguished author of the code of civil procedure heretofore introduced in the Senate, the second part of which code is made the basis of the accompanying bill.

Very respectfully,
BURNETT,
Chairman.

Mr. Burnett moved a suspension of the rules to take up a bill (House bill No. 503), to be entitled, "An Act prescribing the mode of proceeding in district courts in matters of probate."

Rules suspended and bill read the first time.

On motion of Mr. Burnett the rules were further suspended, House bill No. 503 read the second time, ordered to be engrossed and read the third time.

Mr. Burnett moved that a select committee of three be appointed to supervise the engrossment of the bill.

Carried.

The Speaker appointed Messrs. Burnett, Booty and Jenkins such committee.

Mr. Cooper, Chairman of the Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, August 8, 1870

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred a protest of a portion of the citizens of Collin and Dallas counties against the creation of a new county, have had the same under consideration, and as there has been no application before your committee asking for the creation of such new county, your committee herewith return said protest, and ask that it be laid on the table, and your committee be discharged from the further consideration of the same.

COOPER,
Chairman.

Petition laid on the table, and the committee discharged from further consideration of the subject.

Mr. Morris, Chairman of Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 470, entitled, "An Act to incorporate the Town of Richmond, in Fort Bend county," having carefully examined said bill, respectfully return herewith a substitute for same, and recommend the passage of said substitute.

C. D. MORRIS,
Chairman.

Report and bill passed to orders of the day.

Mr. McKee, Chairman of the Committee on Claims and Accounts, submitted the following report:

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom was referred a bill entitled "AN

Act for the relief of T. F. Studebach, late sheriff of Kendall county," beg leave to report the same back to your honorable body with the following amendment:

In section one, line two, strike out "one hundred and twenty-three dollars and twenty-two cents" and insert in lieu thereof. "one hundred and twelve dollars and fifty cents."

With the above amendment your committee instruct me to report it back favorably, and ask that it be passed.

Respectfully,

J. F. McKEE,
Chairman of Committee.

Report and bill passed to orders of the day.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, August 6, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I am instructed to report that House bills Nos. 70, 105, 200 and 357 have this day been presented to the Governor for approval.

ROBINSON,
Chairman.

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I am instructed to report that your Committee on Enrolled Bills have examined and find correctly enrolled House bills Nos. 176, 294, 424 and 463.

WILLIS G. ROBINSON,
Chairman of Committee.

Reports accepted, and enrolled bills Nos. 176, 294, 424 and 463 were sent to the Senate.

Mr. R. L. Moore introduced a bill to be entitled "An Act to incorporate the Northern Texas Immigration and Colonization Society."

Bill read the first time, and referred to the Committee on Immigration.

Mr. Austin moved a suspension of the rules to take up out of its regular order Senate bill No. 265, to be entitled "An Act for the incorporation of the city of Paris, in the county of Lamar."

Rules suspended and Senate bill No. 265 read the first time.

On motion of Mr. Jenkins the rules were further suspended,

Senate bill No. 265 read the second time, and ordered to its third reading.

On motion of Mr. Austin the rules were further suspended, Senate bill No. 265 read the third time, passed, and its title agreed to.

Mr. Plumley moved a suspension of the rules to take up out of its regular order Senate bill No. 209, upon which motion the yeas and nays were called for by Messrs. Burnett, Zapp and R. Allen, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Burley, Booty, Chambers, Camp, Dupree, Dorris, Ellis, Franks, George, Haswell, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, Morris, Miller, Pierson, Plumley, Prissick, Ross, Simmons, Sinclair, Slaughter, Stockbridge, Young, York—32.

Nays—Messrs. Abney, R. Allen, Burnett, Cooper, Cotton, Cox, Davis, Gaston, Gardiner, Grothaus, Hamilton, Kendall, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Robinson, Schlickum, Schlotman, Sheriff, Smyth, Stirman, Tegener, Tinsley, Williams of Walker, Weaver of Johnsen, Youngkin, Zapp, Zoeller—30.

So the rules were not suspended.

A message was received from the Senate transmitting House bills Nos. 132, 186, 283, 358, 362, 395 and 414, which the Senate has passed; also substitute for Senate bill No. 237, and Senate bills Nos. 281, 299 and 342, asking the concurrence of the House in the same; also transmitting enrolled House bills Nos. 178, 294, 124, and 463, announcing that the President of the Senate had signed the same in open session; and also enrolled Senate bills Nos. 162, 82, 23 and 258, which were presented to the Speaker, signed by him in open session and returned to the Senate.

Mr. Burnett moved a suspension of the rules to take up out of its regular order House bill No. 468, to be entitled "An Act further regulating juries."

Rules suspended and bill read the second time.

Mr. Derris moved to amend section two by inserting after the word "draw" the words "after the box has been well shaken up."

On motion of Mr. Miller the amendment was laid on the table.

The bill was then ordered to be engrossed and read the third time.

Mr. Franks moved a further suspension of the rules to put the bill on its final passage; upon which motion the yeas and nays were called for by Messrs. Pierson, Miller and Kyle.

Mr. Jo. Abbott moved a call of the House.

Call sustained.

Absent—Messrs. Bonner, Hughes, Haswell, Locke, Medlock, Posey, Slaughter, Stockbridge, Shelburne and B. F. Williams.

Messrs. H. R. Allen and Hughes were excused from attendance for the day.

On motion of Mr. Franks the call of the House was suspended.

The question recurring on the motion of Mr. Franks to suspend the rules, the yeas and nays were called and resulted as follows:

Yeas---Messrs. Austin, Abney, C. L. Abbott, Richard Allen, Becton, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Kendall, Lacy, Lyons, Morrison, Henry Moore, McLean, J. F. McKee, Mitchel, Mullins, R. L. Moore, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Tegener, Tinsley, S. S. Weaver, R. Williams, B. F. Williams, Young, York, Youngkin, Zapp, Zoeller---51.

Nays---Messrs. Jo. Abbott, Ellis, Gaston, Jenkins, Kyle, Leonard, Miller, Pierson, Ross, Smyth, Stirman, J. C. Weaver---12.

So the rules were suspended.

House bill No. 468 was then read the third time.

Mr. Miller moved that the bill be recommitted to the Judiciary Committee.

Lost.

Mr. Miller moved to reject the bill.

Lost.

The question recurring on the final passage of House bill No. 468, to be entitled "An Act further regulating juries," the yeas and nays were called for by Messrs. Miller, Pierson and Kyle, and resulted as follows:

Yeas---Messrs. Abney, C. L. Abbott, Richard Allen, Becton, Burley, Booty, Burnett, Cooper, Cotton, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Kendall, Lyons, Morrison, Henry Moore, McLean, Mitchel, Mullins, Medlock, R. L. Moore, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Tegener, Tinsley, Weaver of Hunt, R. Williams, B. F. Williams, Young, York, Youngkin, Zapp, Zoeller---46.

Nays---Messrs. Austin, Jo. Abbott, Chambers, Ellis, Gaston, Jenkins, Kyle, Lacy, Lane, Leonard, Miller, Pierson, Ross, Simmons, Smyth, Stirman, Weaver of Johnson---17.

So the bill passed and its title was agreed to.

The hour having arrived for the consideration of the special order of the day, Mr. Abney moved that it be postponed a sufficient time to allow the Judiciary Committee to make a report; upon which motion the yeas and nays were called for by Messrs. Lacy, Davis and R. Allen, and resulted as follows:

Yeas---Messrs. Austin, Abney, C. L. Abbott, Becton, Booty,

Chambers, Ellis, Franks, George, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Henry, Moore, McLean, Miller, R. L. Moore, Pierson, Prissick, Robinson, Ross, Schlickum, Schutze, Sheriff, Simmons, Smyth, Stirman, Tinsley, Weaver of Hunt, York, Zoeller—35.

Nays— Messrs. R. Allen, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Gardiner, Grothaus, Harn, Hamilton, Kendall, Morrison, Morris, Mitchel, Mullins, Medlock, Schlotman, Tegener, R. Williams, B. F. Williams, Youngkin, Zapp—26.

So the special order was postponed.

On motion of Mr. Abney the rules were suspended to allow the Judiciary Committee to submit the following reports:

COMMITTEE ROOM,
Austin, August 7, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The Committee on the Judiciary, to whom was referred a Senate bill, to be entitled "An Act declaring that the time between the date of the ordinance of secession and the acceptance by Congress of the present State constitution, shall not be counted against railroad companies," have carefully considered the same. A majority of the committee concurring, report the bill back with an amendment, providing that the debts due by railroad companies to the school fund shall not be affected, and recommend its passage.

Section forty-three, general provisions of the State constitution, provides as follows: "The statutes of limitations of civil suits were suspended by the so-called act of secession of the 28th of January, 1861, and shall be considered as suspended within this State until the acceptance of this constitution by the United States Congress."

It is believed that this clause of the constitution is as applicable to railroad companies in existence on the 28th of January, 1861, as it is to individuals, and it as effectually protects them from a forfeiture of any of their rights during the time mentioned as it does the rights of persons who, by reason of the war, could not enforce their contracts or comply with their obligations. It is just that it should be so. Incorporated companies in this State endeavoring to construct works of internal improvement were in their infancy at the beginning of the war, and the utter prostration of all the business pursuits of life in Texas, as well as other Southern States, made it utterly impossible for them to comply with the requirements of their charters and the general laws of the State.

The moment that the flag of rebellion was unfurled and the drum called to arms, the spade and pick were thrown down and the pro-

jected lines of road in our State that were incomplete, were forced to be abandoned. Many miles of road that were completely graded, thousands of cross-ties that were ready for use, culverts and bridges that were erected, all had to be abandoned. Iron that had been purchased was seized by the authorities of the Confederate Government and turned into vessels of war, or manufactured into missiles of death. In most instances these losses fell upon the citizens of our State who had contributed their own labor and means on the preparation of their roads for the iron. Many of the most energetic and reliable men of the State, in their zeal to construct railroads, had contracted heavy liabilities, which they would have been able to meet had not the war put an end to their exertions. These liabilities have been left to them a bitter legacy, and the clause of the constitution above quoted allows their creditors two and four years from the 30th of March, 1870, in which to institute suits. Therefore, nothing can be more just than that those persons (composing the incorporated railroad companies of the State) should have the same length of time after the acceptance of the present constitution by Congress that they had on the 2d of March, 1861, in which to comply with their obligations to the State. Indeed, there should be more leniency on the part of the State in the enforcement of its contracts than that extended to individuals as to private contracts.

The State can afford to be liberal and magnanimous towards its people. Necessity often compels individuals to adopt a different rule. As a matter of State policy the provisions of this bill should be adopted. The efforts made by a number of the old railroad companies of the State before the war is a guaranty that they will again act with energy, and use every exertion to secure success. It is believed to be a sound policy that the State should sustain its own citizens, and at least give them a fair showing to comply with their obligations to the State before thrusting them aside, and leaving them burdened with debt that the war entailed upon them.

As stated before, it is believed that these companies could invoke the clause of the constitution referred to, and prevent any forfeiture of their rights being declared. But prudence dictates that this should be done by a legislative declaration, and prevent at once any doubt on the subject.

It is deemed proper to refer to the fact that in view of the war preventing railroad companies from complying with their engagements to the State, laws were passed by the Legislature, relieving them from forfeitures, and giving them time after peace was established to comply with the laws of the State. The Constitutional Convention of 1866 dealt encouragingly with railroad companies, and the Legislature of 1866 extended relief and further time to

them; and, whatever may be the views of gentlemen in regard to the validity of these acts, it cannot be denied that they referred directly to our own domestic concerns, and in no way were in conflict with the constitution, laws or policy of the general government, and that, in pursuance of these relief and extension laws, new obligations and debts have been incurred by our citizens, and new contracts, some of them involving large amounts, have been entered into with capitalists of other States and countries, all of wh ch considerations invoke just, wise and liberal laws on the part of this Legislature. It has been the established policy of the people of this State to act liberally toward railroad companies. The Republican and Democratic members of this Legislature are pledged to this course. Their constituency expect it. Justice to the old incorporated companies of the State demand it.

It has been objected that this bill is obnoxious to sections seven and ten of the present constitution. A majority of your committee entertain the opinion that such is not the case.

The section referred to simply says that "all lands granted (and this means the date of patent of the lands by the State) to railway companies, which have not been alienated by said companies, in conformity with the terms of their charters, respectively, and the laws of the State under which the grants were made, are hereby declared forfeited to the State for the benefit of the school fund." Section thirty-three general provisions of the present State constitution, emphatically recognizes the acts of the Legislature during the war, which "were not in violation of the constitution and laws of the United States, or in aid of the rebellion against the United States, or prejudicial to the citizens of this State who were loyal to the United States, and which have been actually in force or observed in Texas during the above period of time; nor to affect, prejudicially, private rights which may have grown up under such rules and regulations; nor to invalidate official acts not in aid of the rebellion against the United States, during said period of time." This clause must be kept in view as well as the seventh section of article ten, and they must be made to harmonize. Section thirty-three of general provisions recognizes the validity of the domestic acts of the Legislature, not in violation, etc., of the laws of the United States, and says the private rights of parties that have grown up under such "rules and regulations" shall not be affected prejudicially. Surely no mind of reasonable understanding can say that the acts for the relief of said railroad companies, passed during the war, were in controversion of the laws of the United States, or in aid of the rebellion, and none can deny that the most important private right "have grown up under such rules and regulations." But, in order to make this point

more clear and explicit we will invoke the safeguards thrown around the rights of the citizens of this State by section thirty-three, of general provisions, a little further, and we invite the special attention of the Legislature to it. It says: "The Legislature which assembled in the city of Austin, on the 6th of August, A. D. 1866, was provisional only, and its acts are to be respected only so far as they were not in violation of the constitution and laws of the United States; or were not intended to reward those who participated in the late rebellion; or to discriminate between citizens on account of race or color; or to operate prejudicially to any class of citizens." It is clear that the acts of the Legislature during the war for the relief of railroads are recognized by the citation first above made from section thirty-three, and that private rights have grown up under them; and it is equally conclusive that the same section of the constitution recognizes the acts of the Provisional Legislature of 1866, except in the cases specified. Now, let us quote from the act of the Legislature of 1866. An act for the benefit of railroad companies, approved November 13th, 1866, says, in its first section, "That the grant of sixteen sections of land to the mile to railroad companies, heretofore or hereafter constructing railroads in Texas, shall be extended, under the same restrictions and limitations heretofore provided by law, for ten years after the passage of this act."

Section two says, "That the time for the alienation of lands acquired by railroad companies, heretofore, shall be extended to fourteen for the alienation of one half of such lands, and to twenty-one years for the alienation of the other half; and in the event such alienation does not take place, the said lands shall be forfeited to the State; and companies hereafter acquiring lands, shall alienate the same in fourteen and twenty-one years from date of acquisition, under a like penalty of forfeiture." Can any one say that this act of the Provisional Legislature of 1866, was "in violation of the constitution and laws of the United States," or "intended to reward those who participated in the late rebellion; or to discriminate between citizens on account of race or color; or to operate prejudicially to any class of citizens?" Certainly not. Then, does not the constitution of 1869, protect the old railroad companies of the State and recognize as binding and valid the laws passed during the war and in 1866, under which private rights have grown up, where such laws do not come within the exceptions mentioned? Nothing can be more conclusive, and a just regard for the interests of our citizens and the rights of others not citizens who have invested their means in our domestic enterprises, demands that we should be emphatic in the protection of their rights as guaranteed by the constitution. To arrive at a just conclusion concerning

doubtful points in the constitution, all its parts must be looked to, and the whole be made to work in that harmony which its framers intended should be its object, in fostering the great interests of the State, in protecting the rights of the people and in promoting their prosperity.

Believing these views to be just and correct, and that they are in harmony with the views and wishes of the people of this State, the undersigned recommend the adoption of the accompanying amendment, and the passage of the bill.

Respectfully submitted,

J. A. ABNEY,
SLAUGHTER,
H. W. YOUNG,
A. J. BOOTY,
HUGHES.

Amendment to come in at end of first section:

"Provided, that nothing herein contained shall be so construed as to relieve any railroad company from payment of its debt to the school fund, as prescribed by law."

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: The undersigned, a minority of the Judiciary Committee, being unable to agree with the majority of the committee in their recommendation of the passage of Senate bill No. 296, entitled "An Act declaring that the time between the date of the so-called ordinance of secession and the date of the acceptance by the Congress of the United States of the State constitution, shall not be counted or reckoned against railroad companies," have the honor to present the following minority report:

This bill seeks to revive or renew the charters of the numerous railroad companies incorporated by the Legislatures of this State prior to the late rebellion, and to place them in the same situation and subject to the same duties and obligations and entitled to the same rights and privileges as they were subject or entitled to on the second of March, 1861. This would revive the land grants or donation of sixteen sections of land for every mile of road constructed and put in running order, and a loan of $6000 of the school fund for each mile of road so constructed, as these rights were guaranteed to railroad companies by laws then in force, upon their complying with the terms of their charters, respectively. It cannot be contended that these

companies have complied with the terms of their respective charters, for the very object of the bill is to relieve them from failure of such compliance on their part; nor can it be said that they have any vested rights which entitle them to protection, for all their rights were contingent upon their complying with their charters, and for failure of which compliance they now ask relief. We believe, then, that a renewal of these old charters would be equivalent to new grants. By referring to sections six and seven of article ten of the constitution it will be seen that it was the policy of the framers of the constitution not to revive any of these old charters, but to require the inauguration of a new policy and the granting of new railroad charters for the development of our resources by this kind of internal improvements. Section six inhibits the Legislature from granting lands to any person or persons whatever, except to actual settlers upon the same, in lots of not exceeding 160 acres. This section is explicit and unambiguous. We are aware that it is contended that this section does not inhibit the Legislature from granting lands to corporations; in other words, that private corporations cannot be construed to mean a "person or persons." In our view numbers or bodies of physical or natural persons associated together for purposes of internal improvement or business of any kind, are as much persons in fact and in law as if no associations were formed. They are invested with rights, and are subject to duties and obligations the same as individual persons; and, in fact, the very acts of incorporation are *contracts* between themselves and the State, and it certainly cannot be contended that a contract can be entered into by others than *persons* capable of rights. Again, it is urged that the object of this provision was only to inhibit the Legislature from granting lands to the surviving venerable patriots of our State who spent their best days in defence of our soil and liberties, or to the heirs of those of our lamented patriot fathers who are no more with us, and not to prevent the granting of princely donations of our public domain to grasping, soulless corporations; but this construction is too grossly and meanly absurd and unjust to require any refutation.

It is also urged by some that the fact that the convention which framed the constitution granted lands to private corporations to a large extent, should be taken as evidence that the convention did not intend to inhibit altogether the granting of lands. The convention certainly had no power to pass any legislative ordinances or declarations whatever: it was the representative of the *political* and not the *civil* power of the people, and it could act simply as a *special commission* to frame a constitution of government for which it was convened, and not as a Legislature. The legislation of the convention was never ratified by the people, and has no binding force what-

ever. And, even if we were certain that this was the meaning of the convention, (and it certainly was not,) it should by no means be allowed a controlling influence; for the constitution did not derive its force from the convention which framed it, but from the people who ratified it; and the intent to be arrived at is that of the people. We conclude that the people meant what the plain language imports, and it seems to us the language of section six is too clear for doubt. Section seven is still quite as explicit, and declares forfeited to the State, for the benefit of the school fund, "all lands granted to railway companies, which have not been alienated by said companies, in conformity with the tenure of their charters, respectively, and the laws of the State under which the grants were made." Now, by the law in force when these old railroad charters were granted, the companies were required to alienate the lands received from the State within given periods; and it is clearly evident from this and the preceding section, that it was the intention of the convention to change the railroad policy of the State in reference to our public lands, and set apart these lands solely for the benificent purposes of public free schools, and to provide homes for the homeless. This change of policy was no doubt induced by the fact that our State had already squandered nearly twenty million acres of our public domain in the supposed interests of railroad improvements, when we had not more than three hundred miles of railroad to show for it; and from the further fac that experience had demonstrated that it was not sound policy in a free government to place in the hands of soulless corporations large bodies of lands, which would necessarily give them large and powerful landed monopolies, as well as great political influence and power.

In addition to the foregoing objections, we believe the bill is obnoxious to section nine of article nine of the constitution, which provides that the Legislature "shall, from time to time, as may be necessary, invest the principal of the school fund in the bonds of the United States government, *and in no other security.*" This bill seeks also to revive the right to a loan of $6000 from the school fund for each mile of road constructed, which is clearly provided against by this section.

It is claimed that the objects of the bill are covered by section forty-three of article twelve of the constitution, as follows: "The statutes of limitation of civil suits were suspended by the so-called act of secession of the twenty-eighth of January, 1861, and shall be considered as suspended within this State until the acceptance of this constitution by the United States Congress." But we submit that this provision simply suspends the statutes of limitation in civil

suits between citizens, and cannot be construed to include railroad corporations whose charters have been forfeited. This would be giving a very liberal construction in behalf of these corporations, clothed by the State with a portion of her own sovereignty; and there is no principle of law better settled, or more just, than that grants of franchises of this kind are never to be extended by construction beyond the plain terms in which they are conferred, and all charters of incorporation are to be construed strictly against the corporators. If the convention had thought the usefulness of these corporations required the suspension of the statutes of limitation, as to their charters for the last ten years, the constitution would have contained a provision expressly including them. Many of these corporations may have suffered by reason of the war, and may have strong claims on the Legislature for relief and assistance, but we believe the relief proposed by this bill is inconsistent with the constitution, and should not, therefore, be granted.

And, aside from the constitutional objections to the bill, we can conceive of no considerations of public policy or of justice which require the Legislature to indiscriminately revive old charters which have subserved no other end or purpose than to encumber our statute books, and perhaps obstruct the development of the country by preventing live men from engaging in the enterprises. In many cases the corporators are dead, or have no capital, and perhaps in some instances the corporators are not men calculated to stimulate the building of railroads, or to whom these important franchises should be granted. The passage of this bill would, moreover, induce no small amount of confusion and litigation; old charters would conflict with new ones, and we believe its general effect would be to greatly retard rather than advance and promote the construction of railroads in our State. It would also beget a spirit of rivalry and speculation, without any corresponding benefit to the State, and would certainly open the door to fraud. The Legislature can grant new charters whenever necessary. The whole object of this bill is to revive these charters so as to secure, if possible, the land grants, and perhaps the loan from the school fund, which we believe to be in contravention of the constitution. It is urged that, if unconstitutional, it will amount to nothing; but the danger is in giving a legislative interpretation of the constitution in favor of granting lands, or of evading this constitutional provision. And if the bill is passed, it will be the duty of our executive officers to enforce it, and in case they refuse they will be placed in the position of disobeying the law.

Believing, therefore, that this bill is in violation of the constitu-

tion, unjust and impolitic, we respectfully recommend that it be rejected. Very respectfully,

J. R. BURNETT, Chairman,
T. E. GROTHAUS.

On motion of Mr. Morris, the reports were ordered printed.

Special order resumed:

House bill No. 494, to be entitled "An Act to provide for the settlement, collection and payment of the public debt, and for other purposes," read the second time.

On motion of Mr. Burnett, section one, line five, was amended by striking out the word "repudiated," and inserting in lieu thereof the words "declared illegal."

On motion of Mr. Burnett, section three was amended by striking out the words "four years" and inserting in lieu thereof the words "one year."

Mr. Johnson moved that the bill be laid on the table.

Mr. Cooper moved a call of the House.

Call sustained.

Absent—Messrs. Abney, Schutze and Young.

On motion of Mr. Leonard, the call was suspended.

The question recurring on the motion of Mr. Johnson, to lay House bill 494 on the table, it was so ordered.

Mr. Robinson, Chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I am instructed to report that House bills Nos. 294, 424 and 465, also House bill No. 176, entitled "An Act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same," were this day, at 10:44 o'clock, A. M., exactly, presented to the Governor for approval.

WILLIS G. ROBINSON,
Chairman of Committee on Enrolled Bills.

Report accepted.

By leave of the House, Mr. Burnett, Chairman of the Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Hon. IRA H. EVANS, Austin, August 8, 1870.
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary to whom was referred

House bill No. 167, entitled "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Fertilizing Company," together with the message of his Excellency the Governor, giving his objections thereto, have carefully examined the same, and instruct me to report the bill back to the House with the recommendation that, on reconsideration, it do not pass. In addition to the constitutional and other objections of his Excellency, the committee believe that the bill, so far as it undertakes to regulate the sanitary condition of the city of Galveston on a plan which may become expensive and otherwise burdensome, should be referred to the citizens of that city or the city council.

Very respectfully,

BURNETT,
Chairman.

A message was received from the Senate transmitting, for the signature of the Speaker, enrolled Senate bill No. 106, which was signed by the Speaker and returned to the Senate; also, announcing that that body had concurred in House amendments to Senate bills Nos. 90 and 252, and passed House bills Nos. 77 and 172, and asking the concurrence of the House in Senate bills Nos. 29, 83, 209, 340, 338, 314, and substitute for Senate bill No. 93.

The question then recurred, "Will the House, on reconsideration, pass the bill?" viz: House bill No. 167, "An Act to improve the sanitary condition of the city of Galveston, Texas, and to grant certain privileges to Thomas Sewell and his associates, to be known as the Texas Sanitary and Fertilizing Company," and the House refused to pass the bill by the following vote:

Yeas—Messrs. Morrison, Prissick, Schutze, Zapp.—4.

Nays—Mesrs. Austin, C. L. Abbott, Richard Allen, Jo. Abbott, Becton, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hamilton, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Henry Moore, Morris, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Miller, R. L. Moore, Posey, Pierson, Robinson, Ross, Schlickum, Schlotman, Sinclair, Slaughter, Smyth, Stirman, Tegener, Tinsley, S. S. Weaver, R. Williams, J. C. Weaver, B. F. Williams, York, Youngkin, Zoeller—58.

The hour having arrived for the consideration of House bill No. 299, to be entitled "An Act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1870," on motion of Mr. Slaughter the House

resolved itself into committee of the whole for the consideration of the same.

[Mr. Morrison in the Chair.]

At 12:45 P. M. the committee rose; the chairman reported certain amendments to the bill, and asked that the committee be discharged from further consideration of the subject.

Report accepted and committee discharged.

Mr. Austin moved a call of the House.

Call sustained.

Absent---Mr. Young.

Mr. Young was excused from attendance on account of sickness.

On motion of Mr. Harn the call of the House was suspended.

Mr. Miller moved to lay on the table the following amendment recommended by the Committee of the Whole:

Strike out, as pay of district attorneys, "one thousand dollars each," and insert "twelve hundred dollars each."

Lost.

The question recurring on the adoption of the amendment, the yeas and nays were called for by Messrs. Smyth, Kyle and Chambers, and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Grothaus, Harn, Hamilton, Johnson, Kendall, Lyons, Morrison, Henry Moore, Morris, J. F. McKee, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller---39.

Nays---Messrs. Austin, C. L. Abbott, Jo. Abbott, Becton, Booty, Chambers, Ellis, Gaston, Gardiner, George, Haswell, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, R. L. Moore, Posey, Pierson, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, York---29.

So the amendment was adopted.

The following amendment, recommended by the Committee of the Whole, was adopted:

Under the head of Comptroller's Office, strike out "for salary of book keeper, $1600," and "for salary of six assistant clerks at $1400 each, annually, $8400," and insert "for salary of seven assistant clerks, at $1400 each, annually, $9800."

On the adoption of the following amendment, recommended by the Committee of the Whole, under the head of "General Land Office," strike out the words "for salary of recording clerk, $1500," and insert "for salary of two recording clerks, at $1500

each, $3000," the yeas and nays were called for by Messrs. Smyth, Chambers and Leonard, and resulted as follows:

Yeas—Messrs. Richard Allen, Burnett, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Kendall, Lyons, Morrison, Henry Moore, Morris, Mitchel, Mullins, Medlock, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Tegener, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—34.

Nays—Messrs. Austin, Abbott of Austin, Jo. Abbott, Becton, Booty, Chambers, Cooper, Ellis, Gaston, George, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, J. F. McKee, Miller, R. L. Moore, Posey, Pierson, Prissick, Ross, Smyth, Simmons, Stirman, Stockbridge, Shelburne, Weaver of Hunt, Weaver of Johnson, York—32.

So the amendment was adopted.

The following amendment, recommended by the Committee of the Whole, was adopted:

Under the head of "General Land Office," strike out "$1700," for salary of chief draftsman, and insert "$1800."

Mr. Chambers moved to reject the following amendment recommended by the Committee of the Whole:

Under the head of "General Land Office," strike out "four," and say "eight," so that it will read "for salary of eight assisiant draftsmen, at $1500 each, annually, $1200." The yeas and nays were called for by Messrs. Chambers, Kyle and Smyth, and resulted as follows:

Yeas—Messrs. Austin, C. L. Abbott, Jo. Abbott, Becton, Booty, Chambers, Cooper, Camp, Ellis, Franks, Gaston, Gardiner, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, J, F. McKee, Miller, R. L. Moore, Posey, Pierson, Prissick, Ross, Simmons, Smyth, Stirman, Stockbridge, Shelburne, S. S. Weaver, J. C. Weaver, York, Youngkin—39.

Nays—Messrs. Richard Allen, Burnett, Cotton, Cox, Dupree, Davis, Dorris, Grothaus, George, Kendall, Henry Moore, Morris, Mitchel, Mullins, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Tegener, Tinsley, R. Williams, B. F. Williams, Zapp, Zoeller—29.

So the amendment was rejected.

The following amendment, recommended by the Committee of the Whole, was rejected:

Under the head of "General Land Office," strike out "$1600," and insert "$1800," for receiving clerk.

The question recurring on the adoption of the following amendment, recommended by the Committee of the Whole:

"For expenses of transcribing records at fifteen cents per one hundred words, $1500," the yeas and nays were called for by Messrs. Chambers, Jo. Abbot and Smyth, and resulted as follows:

Yeas—Messrs. Richard Allen, Burnett, Cox, Dupree, Gardiner, Grouthaus, Kendall, Lacy, Morrison, Mitchel, Mullins, Miller, Prissick, Robinson, Schlickum, Schutze, Sinclair, Slaughter, Stockbridge, Shelburne, Tegener, Tinsley, R. Williams, Zapp, Zoeller—24.

Nays—Messrs. Austin, C. L. Abbott, Jo. Abbott, Becton, Booty, Chambers, Cooper, Cotton, Davis, Dorris, Ellis, Gaston, George, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Lane, Leonard, Lyons, Morris, J. F. McKee, Medlock, R. L. Moore, Posey, Pierson, Ross, Schlotman, Sheriff, Simmons, Smyth, Stirman, S. S. Weaver, J. C. Weaver, B. F. Williams, York, Youngkin—38.

So the amendment was lost.

Mr. Stockbridge moved that the House adjourn.

Lost.

The following amendments, recommended by the Committee of the Whole, were rejected:

For salary of Superintendent of the Deaf and Dumb Asylum, "$1800."

For salary of Superintendent of Blind Asylum, "$1800."

The question recurring on the adoption of the following substitute, under the head of "Adjutant General's office:"

For salary of Adjutant General	$3,000
For salary of clerk, to be appointed by Adjutant General	1,200
For books and stationery	500
For printing	1,000
For telegraphing	500
For postage and porter hire and wood	1,000

The yeas and nays were called for by Messrs. Schutze, Pierson and Chambers, and resulted as follows:

Yeas—Messrs. Richard Allen, Burnett, Cox, Dupree, Franks, Gardiner, Grothaus, Harn, Hamilton, Kendall, Lyons, Morrison, H. Moore, Morris, J. F. McKee, Mitchel, Mullins, Medlock, Robinson, Schlotman, Schutze, Sinclair, Slaughter, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp—28.

Nays—Messrs. Austin, C. L. Abbott, Jo. Abbott, Becton, Booty, Chambers, Cooper, Cotton, Camp, Davis, Dorris, Ellis, Gaston, George, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Miller, R. S. Moore, Posey, Pierson, Prissick, Ross, Schlickum, Simmons, Smyth, Stirman, Stockbridge, Shelburne, Tegener, S. S. Weaver, J. C. Weaver, York, Zoeller—38.

So the amendment was lost.

The following amendments, recommended by the Committee of the Whole, were adopted:

Under the head of "public schools" add the following: "This appropriation for school purposes is appropriated out of the school fund only."

Under the head "immigration" strike out the words "salary of other officers and."

The question recurring on the following amendment, recommended by the Committee of the Whole, under the head of "chief of police:"

"For salary of clerk.....$1,200
For telegraphing..... 500
For office fixtures and furniture..... 350

$2,050"

The yeas and nays were called for by Messrs. Burnett, Davis and Robinson, and resulted as follows:

Yeas---Messrs. Richard Allen, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Kendall, Lyons, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schutze, Slaughter, Tinsley, Williams of Walker, Wiliams of Colorado, Youngkin, Zapp--34.

Nays---Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Chambers, Dorris, Ellis, Gaston, Haswell, Johnson, Kyle, Lacy, Lane, Leonard, Morris, Miller, Moore of Red River, Posey, Pierson, Ross, Schlickum, Slchlotman, Simmons, Smyth, Stockbridge, Shelburne, Tegener, Weaver of Hunt, Weaver of Johnson, York, Zoeller--32.

So the amendment was adopted.

Mr. Cooper moved to strike out "fifty thousand dollars" for encouragement of immigration, and to insert "thirty thousand dollars."

Mr. Schutze moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Schutze, Cooper and Chambers, and resulted as follows:

Yeas---Messrs. Burnett, Cox, Davis, Grothaus, Harn, Morrison, Morris, McKee of Guadalupe, Mitchel, Schlickum, Schutze, Sinclair, Slaughter, Tegener, Tinsley, Zapp, Zoeller—17.

Nays—Messrs. Austin, Abbott of Austin, Richard Allen, Abbott of Hill, Becton, Burley, Chambers, Cooper, Cotton, Camp, Dupree, Dorris, Ellis, Franks, Gaston, George, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Moore of Harrison, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Prissick, Robinson, Ross, Schlotman, Simmons, Smyth,

Stirman, Shelburne, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin—47.

So the House refused to lay the amendment on the table.

Mr. Zoeller moved that the House adjourn.

Lost.

Mr. Grothaus offered the following as a substitute for the amendment offered by Mr. Cooper:

"For salary of officers and encouragement of immigration $100,000."

Amendment lost.

The question recurring on the amendment offered by Mr. Cooper, the yeas and nays were called for by Messrs. Schutze, Grothaus and Pierson, and resulted as follows:

Yeas—Messrs. Austin, C. L. Abbott, Richard Allen, Jo. Abbott, Becton, Burley, Booty, Burnett, Chambers, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Ellis, Franks, Gaston, George, Hamilton, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Henry Moore, Mitchel, Medlock, Miller, R. L. Moore, Pesey, Pierson, Prissick, Robinson, Schutze, Simmons, Sinclair, Smyth, Stirman, Shelburne, S. S. Weaver, R. Williams, J. C. Weaver, B. F. Williams, York, Youngkin—50.

Nays—Messrs. Cox, Grothaus, Harn, Haswell, Morris, McLean, J. F. McKee, Mullins, Ross, Schlickum, Schlotman, Slaughter, Stockbridge, Tegener, Tinsley, Zapp, Zoeller—17.

So the amendment was adopted.

Mr. Harn moved to amend by inserting the following:

PAYMASTER'S OFFICE.

For salary of Paymaster	$3,000
For salary of one clerk	1,200
For furniture, wood, etc	350
	$4,550

Mr. Chambers moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Harn, Schutze and Grothaus, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Abbott of Hill, Becton, Booty, Bonner, Chambers, Cox, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, George, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Moore of Harrison, Morris, McLean, Miller, Moore of Red River, Posey, Pierson, Ross, Schlickum, Schlotman, Simmons, Sinclair, Smyth, Stockbridge, Shelburne, Tegener, Weaver of Hunt, Williams of Walker, Weaver of Johnson, York, Zoeller—45.

Nays—Messrs. R. Allen, Burley, Burnett, Cotton, Camp, Dupree,

Grothaus, Harn, Lyons, Morrison, McKee of Gaudalupe, Mitchel, Mullins, Medlock, Prissick, Robinson, Schutze, Slaughter, Tinsley Williams of Colorado, Youngkin, Zapp—22.

So the amendment was laid on the table.

On motion of Mr. Burnett the figures "$200,000," under the head of "Miscellaneous," were stricken out.

On motion of Mr. Tegener the House, at 1:10 P. M., adjourned until the usual hour this evening.

EVENING SESSION.

House met pursuant to adjournment; Speaker Evans in the Chair. Roll called; quorum present.

By leave, Mr. Stockbridge, Chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House Bills Nos. 58, 99, 203, 205, 233, 446, 468, 477 and 502 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
C. J. STOCKBRIDGE,
Chairman.

Report accepted, and a messenger was dispatched to the Senate with the bills.

By leave Mr. Sinclair, Chairman of the Committee on Education, submitted the following report:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred Senate bill No. 196, entitled "An Act to incorporate the Florence Male and Female High School, and to prohibit the sale of spirituous or other intoxicating liquors within six miles of the same," have had the same under consideration and find that said bill embraces two objects; they therefore recommend the passage of said bill, amended

by striking out section seven, and also the passage of the accompanying bill which embraces the substance contained in said section seven.

Respectfully,

WM. H. SINCLAIR,
Chairman of Committee.

Mr. Sinclair moved a suspension of the rule adopted on the fourth instant, in order to take up the bill just reported.

Lost.

Report and bill passed to orders of the day.

Mr McLean was excused from attendance for the evening.

Under resolution adopted on the fourth instant, Mr. Robinson called up House bill No. 151, to be entitled "An Act to allow railroads indebted to the school fund to save forfeiture by payment of interest due," which was read the second time.

Substitute, recommended by the Committee on Internal Improvements, was read and adopted in lieu of the original bill, and ordered to be engrossed and read the third time.

On motion of Mr. Robinson the rules were suspended and substitute for House bill No. 151 read the third time and passed.

The title of the bill was agreed to after amending it to read as follows: "An Act for the relief of railroad companies indebted to the State for loans from the special school fund."

Mr. Gaston called up substitute for Senate bill No. 237, to be entitled "An Act to amend an act entitled 'An Act to incorporate the Neches Navigation Companies,' approved November 8, 1866," which was read the first time.

On motion of Mr. Austin the rules were suspended, substitute for Senate bill No. 237 read the second time, and ordered to its third reading.

Mr. Burnett moved that the bill be made the special order for tomorrow at 11:30 A. M.

Lost.

Mr. Austin moved a further suspension of the rules to put the bill on its final passage; upon which motion the yeas and nays were called for by Messrs. Burnett, Davis and Chambers, and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Chambers, Cotton, Camp, Cox, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hughes, Hamilton, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, Moore of Harrison, Morris, Moore of Red River, Pierson, Prissick, Robb, Ross, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tegener,

S. S. Weaver, Williams of Walker, J. C. Weaver, Young, York, Zoeller—52.

Nays—Messrs. Richard Allen, Burnett, Dupree, Davis, Dorris, Harn, Kendall, Mitchel, Mullins, Slaughter, Tinsley, Williams of Colorado, Youngkin—13.

So the rules were suspended.

Mr. Robinson moved a reconsideration of the vote just taken.

On motion of Mr. Chambers the motion to reconsider was laid on the table.

Substitute for Senate bill No. 237 was read the third time, and passed by the following vote, the yeas and nays having been called for by Messrs. Burnett, Davis and Robinson:

Yeas—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Becton, Burley, Booty, Chambers, Cotton, Camp, Cox, Ellis, Franks, Gaston, Gardiner, George, Hughes, Harn, Hamilton, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Moore of Harrison, Morris, Moore of Red River, Pierson, Prissick, Robb, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, York—48.

Nays—Messrs. Richard Allen, Burnett, Dupree, Davis, Dorris, Grothaus, Kendall, Morrison, Mitchel, Mullins, Medlock, Robinson, Schlotman, Williams of Colorado, Youngkin, Zoeller—16.

The title of the bill was agreed to.

Mr. Robb called up House bill No. 222, to be entitled, "An Act to incorporate the French Benevolent and Mutual Assistance Society, of Galveston, Texas," which was read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Plumley the rules were suspended, House bill No. 222 read the third time, passed, and its title agreed to.

Mr. Franks called up House joint resolution No. 22, in relation to the salaries of provisional district judges, which was read the second time.

On motion of Mr. Franks the joint resolution was amended by inserting after the words, "salaries of such judges," the words, "as continued in the official discharge of their duties."

On motion of Mr. Franks the joint resolution was amended by adding the following proviso:

"And provided further, That the unpaid balance of salaries due said provisional district judges be paid out of the unexpended balance of the appropriation already made by the Commanding General of the Fifth Military District, for payment of the seventeen district judges."

House joint resolution was then ordered to be engrossed and read the third time.

On motion of Mr. Franks, House joint resolution No. 22 was then read the third time, passed, and its title was agreed to.

Mr. Ross called up House bill No. 269, to be entitled, "An Act to incorporate the town of Cleburne, in Johnson county," which was read the second time.

The following amendment, recommended by the Committee on Town and City Corporations, was adopted:

Strike out section seven of said charter, and add to section nine the following: "Provided nothing in this charter contained shall interfere with the law passed by this Legislature, entitled, 'An Act to provide for the appointment by the Governor of certain offices to fill vacancies.'"

The bill was then ordered to be engrossed and read the third time.

On motion of Mr Becton the rules were suspended, House bill No. 269, read third time, passed and its title was agreed to.

[Mr. Burnett in the Chair.]

Mr. Evans called up House bill No. 180, to be entitled "An Act to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers," which was read the second time.

Substitute recommended by the Committee on Public Lands and Land Office, was then read and adopted in lieu of the original bill, and ordered to be engrossed and read the third time.

On motion of Mr. Evans the rules were suspended, substitute for House bill No. 180 read the third time, passed and its title was agreed to.

[Speaker in the Chair.]

Mr Schlickum called up a bill (House bill No. 505), to be entitled "An Act to change the county line between the counties of Bexar and Medina," which was read the first time.

A message was received from the Senate transmitting Senate bill No. 267 asking the concurrence of the House in the same.

Bill passed to orders of the day.

On motion of Mr. Jenkins the rules were suspended, House bill No. 505 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Grothaus the rules were further suspended, and House bill No. 505 read the third time.

Mr. Zoeller moved that the bill be rejected. Lost.

The question then recuring on the final passage of House bill No. 505 the yeas and nays were called for by Messrs. Zoeller, Cox and B. F. Williams and resulted as follows:

Yeas—Messrs. Austin H. R. Allen, Abbott of Hill, Burley, Booty, Chambers, Cotton, Camp, Davis, Ellis, Franks, Grothaus, Hughes, Jenkins, Kyle, Kendall, Lacy, Leonard, Lyons, Morrison, Moore of Harrison, Morris, Medlock, Pierson, Prissick, Robb, Schlickum, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Shelburne, Weaver of Hunt, Young, York—36.

Nays—Messrs. Abney, Abbott of Austin, Richard Allen, Burnett, Bonner, Cox, Dupree, Dorris, Gaston, Gardiner, George, Harn, Hamilton, Johnson, Lane, McKee of Guadalupe, Mitchell, Moore of Red River, Plumley, Robinson, Schlotman, Stirman, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, Youngkin, Zoeller—28.

So the bill passed, and its title was agreed to.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I am instructed to report that House bills Nos. 98, 278, 416 and 436, have been carefully examined and found to be correctly enrolled.

WILLIS G ROBINSON,
Chairman Committee Enrolled Bills.

Report accepted; enrolled bills signed by the Speaker and sent to the Senate.

Mr. Ellis called up House bill No. 383, to be entitled "An Act to incorporate the Lake Fork Toll Bridge Company," which was read the second time.

The following amendment, recommended by the Committee on Roads, Bridges and Ferries, was adopted:

Amend section five so as to read as follows: "That no bridge shall be constructed across Lake Fork, within three miles above, or three miles below, said bridge company, and that said bridge shall be completed within two years from and after the passage of this act."

On motion of Mr. Ellis the bill was amended by inserting after the word "George W. Haines," wherever it occurs, the words "Alexander Lacy and H. G. Fisher."

The bill was ordered to be engrossed, and read the third time.

Mr. Medlock moved that the House adjourn.

Lost.

On motion of Mr. Leonard the rules were suspended, House bill No. 383 read the third time, passed, and its title was agreed to.

Mr. Schlotman called up House bill No. 482, to be entitled "An Act to incorporate the town of Burton, in Washington county," which was read the second time, ordered to be engrossed, and read the third time.

On motion of Mr. Grothaus the rules were suspended, House bill No. 482 read the third time, passed, and its title agreed to.

Mr. Dorris called up House bill No. 343. to be entitled "An Act to provide for the obtaining and transcribing of the several acts or charters founding the towns of Reynosa, Camargo, Mier and Guerrero in the Republic of Mexico, and of Laredo in Texas," which was read the second time.

[Mr. Schutze in the Chair.]

Mr. Dorris moved to amend the bill by striking out the words "two thousand," and inserting in lieu thereof the words "one thousand."

On motion of Mr. Grothaus the amendment was laid on the table.

On motion of Mr. Evans the rule requiring bills making appropriations to be considered in Committee of the Whole House, was suspended in this case, and the bill ordered to be engrossed and read the third time.

On motion of Mr. Grothaus the rules were suspended, and House bill No. 343 read the third time.

Mr. Evans moved a call of the House.

Call sustained.

Absent—Messrs. Chambers, Cooper, Ellis, Hughes, Haswell, Johnson, Kyle, Lacy, Miller, Posey and Ross.

On motion of Mr. Evans the call of the House was suspended.

The question recurring on the final passage of House bill No. 343, the yeas and nays were called, and resulted as follows:

Yeas—Messrs. Speaker, J. O. Austin, Abney, C. S. Abbott, R. Allen, Becton, Burley, Booty, Burnett, Cotton, Camp, Cox, Dupree, Davis, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Jenkins, Kendall, Lane, Leonard, Lyons, Morrison, Henry Moore, Morris, J. F. McKee, Mitchel, Mullins, Medlock, Plumley, Prissick, Robb, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—56.

Nays—Messrs. Jo. Abbott, Dorris, Gaston, R. L. Moore, Pierson, Stirman, J. C. Weaver—7.

So the bill passed and its title was agreed to.

[Speaker in the Chair.]

Mr. Stockbridge moved that the House adjourn until nine o'clock

to-morrow morning; upon which motion the yeas were called for by Messrs. Slaughter, Lane and Davis, and resulted as follows:

Yeas—Messrs. Austin, Jo. Abbott, Becton, Booty, Burnett, Chambers, Camp, Dupree, Dorris, Franks, Gaston, Grothaus, George, Harn, Hamilton, Kendall, Lane, Leonard, Lyons, Henry Moore, Morris, Mitchel, Mullins, Medlock, Pierson, Robb, Robinson, Schlickum, Schlotman, Sheriff, Simmons, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin—45.

Nays—Messrs. Abney, C. L. Abbott, Richard Allen, Burley, Cotton, Cox, Davis, Jenkins, Morrison, J. F. McKee, R. L. Moore, Prissick, Schutze, Sinclair, Slaughter, Young, Zapp, Zoeller—18.

So the House, at 10:40 P. M., adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, August 9, 1870.

House met pursuant to adjournment; Speaker Evans in the chair; roll called; quorum present.

On motion of Mr. Davis the reading of yesterday's journal was dispensed with.

On motion of Mr. Hughes, Mr. Hawkins was granted leave of absence for the remainder of the session.

Mr. Burnett, Chairman of the Judiciary Committee, submitted the following reports:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred substitute for Senate bill No. 248, entitled "An Act to incorporate the Texas and Mexico Railway Company," having duly considered the same, respectfully report it back, and a majority of the committee instruct me to recommend that it be passed.

Very respectfully,
BURNETT,
Chairman.

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred House bill No. 430, entitled "An Act to incorporate the Mutual Benefit Life Insurance Company of Texas," having had the same under consideration, respectfully report it back and recommend its passage.

Very respectfully,
BURNETT,
Chairman.

Reports and bills passed to orders of the day.

Mr. Camp, from the Committee on Agriculture and Stock Raising, submitted the following report:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 489, entitled "An Act to incorporate the Gulf Coast Agricultural, Mechanical, Blood Stock and Fair Association," have had the same under consideration; we respectfully report the same back as amended, and recommend its passage.

Very respectfully,
LOCKE,
Chairman of Committee.

Report and bill passed to orders of the day.

Mr. Johnson, Chairman of the Committee on Public Buildings and Grounds, submitted the following report:

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. IRA H EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Public Buildings and Grounds, to whom was referred House bill No. 475, entitled "An Act creating the office of Superintendent of Public Buildings, ask leave to report the same back and recommend its passage.

J. W. JOHNSON,
Chairman.

Report and bill passed to orders of the day.

Mr Schutze, Chairman of the Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, August 7, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. —, entitled "An Act to repeal an act amendatory of 'An Act to punish certain offenses committed on Sunday,' passed November 13, A. D. 1866," beg leave to report the same back with the recommendation that it pass.

Very respectfully,
JULIUS SCHUTZE,
Chairman.

Report and bill passed to orders of the day.

Mr. Schutze introduced the following joint resolution: —

WHEREAS, The indebtedness of the several counties in the State

retained by special act of the Legislature, approved June 15, 1870, has been retained in the Treasury; and, whereas, such indebtedness is shown on the books of the Superintendent in coin; and, whereas, such payments have heretofore been made in coin; therefore,

Be it resolved by the Senate and House of Representatives (now assembled), That the Treasurer of the State pay over to the Superintendent of the Texas State Lunatic Asylum, by order of the board of managers of the same, the sum of twenty-one thousand five hundred and ninety-seven dollars and forty-seven cents, in gold, as shown by the amount found by the Superintendent of the Lunatic Asylum on the 1st of July, 1870.

Resolved further, That all the dues to the Asylum hereafter, as heretofore, be paid in coin until further provided by law.

Joint resolution read the first time.

Mr. Schutze moved a suspension of the rules to put the joint resolution on its second reading.

Rules suspended and joint resolution read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Burnett the rules were further suspended and joint resolution read the third time. The yeas and nays were called for by Messrs. Dorris, Lane and Grothaus, on the final passage of the joint resolution, and resulted as follows:

Yeas—Messrs. H. R. Allen, Burnett, Davis, Hamilton, Lyons, Morris, Mitchel, Medlock, Pierson, Prissick, Schlotman, Slaughter, Tinsley, R. Williams, York—15.

Nays—Messrs. Austin, C. L. Abbott, Richard Allen, Jo. Abbott, Becton, Booty, Chambers, Cooper, Cotton, Camp, Cox, Dorris, Ellis, Gaston, Gardiner, Grothaus, George, Hughes, Haswell, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Henry Moore, McLean, J. F. McKee, Mullins, R. L. Moore, Robb, Ross, Schlickum, Schutze Sheriff, Simmons, Smyth, Stirman, Stockbridge, Shelburne, S. S. Weaver, J. C. Weaver, B. F. Williams, Young, Zoeller—45.

So the joint resolution did not pass.

Mr. Schutze moved a reconsideration of the vote just taken.

Mr. J. F. McKee moved to lay the motion to reconsider on the table.

Lost.

The question recurring, "Shall the vote be reconsidered?" the House decided to reconsider.

The question recurring on the final passage of the joint resolution, the yeas and nays were called for by Messrs. J. F. McKee, Gaston and Burnett, and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Burnett, Camp, Dupree, Davis, Gardiner, Grothaus, George, Hughes, Harn, Hamilton,

Jenkins, Kyle, Kendall, Lacy, Leonard, Lyons, Henry Moore, Morris, McLean, Mitchel, Medlock, Pierson, Robb, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Shelburne, Tegener, Tinsley, S. S. Weaver, R. Williams, York, Zoeller—40.

Nays—Messrs. C. L. Abbott, Richard Allen, Jo. Abbott, Booty, Chambers, Cooper, Dorris, Ellis, Gaston, Lane, Morrison, J. F. McKee, Prissick, Ross, Simmons, Smyth, Stirman, J. C. Weaver, B. F. Williams, Young, Youngkin—21.

So the joint resolution passed, and on motion of Mr. Slaughter, the following was adopted as its title: "House joint resolution No. 26, authorizing the Treasurer of the State of Texas to pay to the order of the Board of Managers of the State Lunatic Asylum certain funds retained in the Treasury by special act, approved July 1, 1870."

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills instruct me to report that they have examined House bills Nos. 260, 172, 486 and 487, and find the same correctly enrolled.

WILLIS G. ROBINSON,
Chairman of Committee.

Report accepted, enrolled bills signed by the Speaker, and a messenger was dispatched to the Senate with them for the signature of the President of the same.

The time having arrived for the consideration of the special order, on motion of Mr. Slaughter it was postponed for the reception of reports of standing committees.

Mr. Slaughter, Chairman of the Committee on Finance, submitted the following reports:

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 476, entitled "An Act making an appropriation for improving the penitentiary at Huntsville, Texas, and for the purchase of machinery therefor," have had the same under consideration and recommend it to pass.

SLAUGHTER,
Chairman of Committee.

COMMITTEE ROOM,
Austin, August 9, 1870

Hon. IRA H. EVANS,
Speaker of the House of Representattves:

SIR: Your Committee on Finance to whom was referred House bill No. 469, entitled "An Act appropriating five hundred dollars for certain purposes." have had the same under consideration, and recommend its passage.

SLAUGHTER,
Chairman.

Reports and bills passed to orders of the day.

Mr. Cooper, Chairman of the Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred petitions of citizens of Austin, Colorado and Fayette counties, protesting against the formation of a new county of parts thereof, return the same, and ask that they be laid on the table, and that the committee be discharged from further consideration of the subject, as there is not, nor has there been, any petition before this committee asking for the formation of such new county.

COOPER,
Chairman.

Petition laid on the table and committee discharged from further consideration of the subject.

Mr. Youngkin, Chairman of the Committee on Roads, Bridges and Ferries, submitted the following reports:

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS
Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries to whom was referred House bill No. 174, entitled "An Act to authorize George W. Patton to construct a bridge across Aquilla creek, in McLennan county, having had the same under consideration, beg leave to report back the same, with the recommendation that it do not pass.

Respectfully,

YOUNGKIN,
Chairman.

COMMITTEE ROOM,
Austin, August 8, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 500, entitled "An Act amendatory of an act to amend sections five and eight of an act approved October 1st, 1866, granting to James L. Sarver the privileges of constructing a ferry across Big Cypress," having had the same under consideration, beg leave to report back the same with the recommendation that said act be so amended.

Very respectfully,
YOUNGKIN, Chairman.

Reports and bills passed to orders of the day.

On motion of Mr. Hughes the special order was further postponed for five minutes.

Mr. Hughes moved a suspension of the rules to take up out of its regular order House bill No. 184, to be entitled "An Act to authorize Car Forest to erect a toll bridge over Chambers' Creek, in Ellis county."

Rules suspended, and House bill No. 184 read the second time; ordered to be engrossed, and read the third time.

On motion of Mr. Hughes the rules were further suspended; House bill No. 184 read the third time, passed, and its title was agreed to.

Special order resumed, viz: Senate bill No. 2, to be entitled "An Act to incorporate the Jefferson and Shreveport Railroad Company, to provide the ways and means for constructing and maintaining their road, and to authorize the sale of said road and the acquisition by the company of other road or roads."

Senate bill No. 2 was read the second time and ordered to its third reading.

On motion of Mr. Slaughter, the rules were further suspended and the bill was read the third time.

On motion of Mr. Slaughter, section three was amended by inserting in the blank space after the words "to consist of," the words "five or more."

Senate bill No. 2 then passed and its title was agreed to.

A message was received from the Senate transmitting House bills Nos. 49, 79, 197, 203, 389, 390, 392 and 493, announcing that the Senate had passed the same; also transmitting Senate bills Nos. 45, 124, 141, 216, 309, 320, 341 and 345, asking the concurrence of the House in the same; also transmitting enrolled House bills Nos. 172, 78, 98, 416, 436, 260, 486 and 487, announcing that

the President had signed the same in open session, and also transmitting Senate enrolled bills Nos. 252 and 272, which were presented to the Speaker, signed by him in open session and returned to the Senate.

The hour having arrived for the consideration of House joint resolution No. 25, proposing an amendment to the constitution of the State of Texas, it was read the second time, ordered to be engrossed and read the third time.

Mr. Miller moved a suspension of the rules to put the joint resolution on its final passage, upon which motion the yeas and nays were called for by Messrs. Richard Allen, Davis and B. F. Williams, and resulted as follows:

Yeas---Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Burley, Booty, Bonner, Chambers, Cooper, Cotton, Camp, Cox, Gaston, George, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Henry Moore, McLean, Miller, Posey, Pierson, Plumley, Robb, Ross, Schlickum, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Tegener, Tinsley, Young, York---46.

Nays---Messrs. Richard Allen, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Grothaus, J. F. McKee, Mitchel, Mullins, Medlock, R. L. Moore, Prissick, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller---19.

So the rules were not suspended four-fifths of those present not voting in the affirmative.

Mr. Lacy moved a suspension of the rules to take up out of its regular order House bill No. 338 to be entitled "An Act to establish the Sabine Pass and Red River Railway Company."

Rules suspended and House bill No. 338 read the second time.

The following amendments recommended by the Committee on Internal improvements were adopted:

In section second strike out all after word "Railway" in line second, and insert "from Sabine Pass through, in as direct line as practicable, the counties of Jefferson, Jasper, Panola, the city of Jefferson in Marion county, and through the county of Bowie to Red River; with the privilege of making, owning and maintaining such branches to the railway as they may deem expedient."

In section eighteen, line second, strike out word "twenty," and insert the words "twenty-five," and in line three of same section strike out word "three," and insert word "two;" and these amendments made, your committee would report favorably upon said bill, and recommend its passage.

On motion of Mr. Franks section eighteen was amended by striking out the words "two years" and inserting the words "one year."

On motion of Mr. Sinclair, section sixteen was amended by striking out the words "the hindmost" and inserting the word "every."

On motion of Mr. Simmons the following was adopted as section twenty of the bill:

"SEC. 20. Nothing contained in this act shall authorize or allow the company established by this act to run over or across the track of any railway now constructed between Sabine Pass and Beaumont."

Mr. B. F. Williams moved that the proviso to section sixteen be scricken out.

Carried.

The bill was then ordered to be engrossed and read the third time.

Mr. Slaughter moved a suspension of the rules to put House bill No. 338 on its final passage.

Rules not suspended.

Mr. Miller moved a reconsideration of the vote just taken.

Vote reconsidered.

The question then recurring, "Shall the rules be suspended?" the yeas and nays were called for by Messrs. Morrison, Davis and Cooper, and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Bonner, Chambers, Camp, Cox, Ellis, Franks, Gaston, Gardiner, George, Hughes, Haswell, Johnson, Jenkins, Kendall, Lacy, Lane, Leonard, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Miller, Posey, Pierson, Prissick, Robb, Ross, Schlickum, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, York, Zapp—51.

Nays—Messrs. Richard Allen, Cooper, Cotton, Dupree, Davis, Dorris, Harn, Hamilton, Morrison, Mitchel, Mullins, Medlock, Williams of Colorado, Youngkin—14.

So the rules were not suspended, four-fifths of those present not voting in the affirmative.

A message was received from the Senate transmitting House bills Nos. 212, 256, 428, 477 and 491, announcing that the Senate had passed the same; also, transmitting substitute for Senate bill No. 146 and Senate bill No. 332, asking the concurrence of the House in the same.

Senate bills passed to the orders of the day.

By leave, Mr. Miller introduced a bill (House bill No. 506) to be entitled "An Act to amend an act entitled 'An Act to incorporate the Washington Fire Engine Company No. 1,' approved July 19, 1870."

Bill read the first time.

On motion of Mr. Miller the rules were suspended and House bill No. 506 read the second time.

On motion of Mr. Miller section one was amended by inserting, after the words "Company No. 1," the words "of the city of Austin."

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Miller the rules were further suspended, and House bill No. 506 read the third time, passed, and its title was agreed to, after amending it by inserting after the words "company No. 1," the words "of the city of Austin."

A messenger was dispatched to the Senate with Senate bill No. 2, which the House had passed with amendment.

Mr. Johnson moved a suspension of the rules to take up out of its regular order a bill, House bill No. 507, to be entitled "An Act appropriating moneys for the use of the State Lunatic Asylum."

Rules suspended and bill read the first time.

On motion of Mr. Johnson the rules were further suspended, and House bill No. 507 read the second time.

On motion of Mr. Becton, the rule requiring bills making appropriations to be considered in Committee of the Whole, was suspended in this case, and the bill ordered to be engrossed and read the third time.

On motion of Mr. Morris the rules were further suspended, House bill No. 507 read the third time, and passed by the following vote:

Yeas—Messrs. Speaker, Austin, Abney, C. L. Abbott, Richard Allen, Jo. Abbott, Becton, Burley, Booty, Burnett, Cooper, Cotton, Camp, Cox, Dorris, Ellis, Franks, Gardiner, Grothaus, George, Hughes, Haswell, Johnson, Jenkins, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Henry Moore, Morris, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Miller, R. L. Moore, Pierson, Prissick, Robb, Ross, Schlickum, Sheriff, Simmons, Sinclair, Smyth, Stirman, Stockbridge, Tegener, Tinsley, R. Williams, Weaver of Johnson, B. F. Williams, Young, York, Youngkin, Zapp, Zoeller—60.

Nays—None.

The title of the bill was agreed to.

The hour having arrived for the consideration of the Governor's veto message of "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company," Mr. Morris moved that it be postponed until noon, to-morrow, upon which motion the yeas and nays were called for by Messrs. Morris, Franks and Johnson, and resulted as follows:

Yeas—Messrs. Austin, Abney, C. L. Abbott, Richard Allen, Jo. Abbott, Becton, Burley, Booty, Burnett, Bonner, Chambers,

Cooper, Camp, Cox, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hughes, Haswell, Johnson, Jenkins, Kyle, Kendall, Lane, Leonard, Morrison, Henry Moore, McLean, J. F. McKee, Mitchel, Mullins, Miller, R. L. Moore, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, J. C. Weaver, Young, York, Youngkin, Zapp, Zoeller—58.

Nays—Messrs. Cotton, Dupree, Lyons, Schlickum, Tinsley, R. Williams, B. F. Williams—7.

So the consideration of the message was postponed, and made the special order for 12 o'clock noon to-morrow.

Special order, under resolution adopted July second, resumed, viz: House bill No. 299, to be entitled, "An Act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1870."

Mr. Morrison moved to amend the bill by substituting the following under the head of "Adjutant General's office:"

For salary of Adjutant General	$3,000
For salary of clerk	1,250
For books and stationery	350
For printing and telegraphing	1,450
For postage, porters' hire, wood, etc	1,050
	$7,000

Mr. Chambers moved to reject the amendment, upon which motion the yeas and nays were called for by Messrs. Chambers, B. F. Williams and George, and resulted as follows:

Yeas—Messrs. Austin, Jo. Abbott, Booty, Chambers, Ellis, Gaston, Hughes, Haswell, Jenkins, Lane, Leonard, Miller, Pierson, Robb, Ross, Smyth, Stirman, Shelburne, S. S. Weaver, J. C. Weaver, Young, Zapp—22.

Nays—Messrs. Abney, Richard Allen, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Grothaus, George, Harn, Hamilton, Kendall, Lyons, Morrison, Henry Moore, Morris, McLean, J. F. McKee, Mitchel, Mullins, Medlock, R. L. Moore, Plumley, Prissick, Schutze, Sheriff, Sinclair, Stockbridge, Tegener, Tinsley, R. Williams, B. F. Williams, York, Youngkin, Zoeller—41.

So the House refused to reject the amendment.

On motion of Mr. Morrison, the amendment was adopted.

Mr. Hughes moved to amend by striking out on sixth page the

following words and figures, viz: "For support of State Police, $2000."

Mr. Burnett moved to lay the amendment on the table, upon which the yeas and nays were called for by Messrs. Hughes, Chambers and Becton, and resulted as follows:

Yeas—Messrs. Speaker, C. L. Abbott, Richard Allen, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Kendall, Lyons, Morrison, Morris, J. F. McKee, Mitchel, Mullins, Medlock, R. L. Moore, Plumley, Schlickum, Schutze, Stockbridge, Tegener, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller —39.

Nays—Messrs. Jo. Abbott, Becton, Booty, Bonner, Chambers, Gaston, Hughes, Haswell, Jenkins, Lacy, Lane, Leonard, McLean, Miller, Posey, Pierson, Prissick, Robb, Ross, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York—27.

So the amendment was laid on the table.

Mr. Morrison offered the following amendment to the bill:

PAYMASTER'S OFFICE.

For furniture, office fixtures, wood, etc..... $ 500
For salary one clerk..... 1200

On the adoption of the amendment the yeas and nays were called for by Messrs. Lane. Leonard and Lyons, and resulted as follows:

Yeas—Messrs. Speaker. C. L. Abbott, R. Allen, Burley, Burnett Cotton, Cox, Dupree, Dorris, Gardiner, Grothaus, Harn, Hamilton, Kendall, Lyons, Morrison, Morris, J. F. McKee, Mitchel, Mullins Medlock, Plumley, Prissick, Schutze, Sheriff, Slaughter, Stockbridge, Tinsley, R. Williams, B. F. Williams, Zapp, Zoeller—32.

Nays—Messrs. Austin, Jo. Abbott, Becton, Booty, Bonner, Chambers, Cooper, Camp, Davis, Ellis, Franks, Gaston, George, Hughes, Haswell, Jenkins, Lane, Leonard, McLean, Miller, Moore, Posey, Pierson, Robb, Ross, Schlickum, Smyth, Stirman, Shelburne, Tegener, S. S. Weaver, J. C. Weaver, York, Youngkin—34.

So the amendment was lost.

Mr. Franks moved the previous question.

Previous question seconded.

The question being, "shall the main question be now put?" the main question was ordered.

The main question being on the engrossment and third reading of the bill, the yeas and nays were called for by Messrs. Leonard, Smyth and Jenkins, and resulted as follows:

Yeas—Messrs. Speaker, Richard Allen. Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Harn, Hamilton, Kendall, Lyons, Morrison, H. Moore, Morris, J. F. McKee,

Mitchel, Mullins, Medlock, Plumley, Prissick, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp—36.

Nays—Austin, C. L. Abbott, Jo. Abbott, Becton, Booty, Bonner, Chambers, Ellis, Gaston, Grouthaus, George, Hughes, Haswell, Jenkins, Lane, Leonard, Miller, R. L. Moore, Posey, Pierson, Robb, Ross, Schlickum, Simmons, Smyth, Stirman, Shelburne, Tegener, S. S. Weaver, J. C. Weaver, York, Zoeller—32.

So the bill was ordered to be engrossed and read the third time.

Mr. Slaughter moved a suspension of the rules to put the bill on its final passage.

Mr. Jo. Abbott moved a call of the House.

Call sustained.

Absent—Messrs. Kyle, Lacy, Abney, H. R. Allen, Robinson and Schlotman.

Messrs. Kyle and Lacy were excused.

On motion of Mr. Slaughter the call of the House was suspended.

The question recurring on the motion of Mr. Slaughter to suspend the rules, the rules were suspended and House bill No. 299 was read the third time.

Mr. Jo. Abbott offered a substitute for the bill.

Mr. Morrison moved to lay the substitute on the table, upon which motion the yeas and nays were called for by Messrs. Jo. Abbott, Burley and Pierson, and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Harn, Hamilton, Kendall, Morrison, Henry Moore, Morris, J. F. McKee, Mitchel, Mullins, Plumley, Prissick, Schutze, Sheriff, Slaughter, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp—31.

Nays—Messrs. Austin, C. L. Abbott, Jo. Abbott, Becton, Booty, Bonner, Chambers, Ellis, Gaston, Grothaus, George, Hughes, Haswell, Johnson, Jenkins, Lane, Leonard, Lyons, McLean, Medlock, Miller, R. L. Moore, Posey, Pierson, Robb, Ross, Schlickum, Simmons, Smyth. Stirman, Stockbridge, Shelburne, Tegener, S. S. Weaver, J. C. Weaver, Young, York, Zoeller—38.

So the motion to lay the substitute on the table was lost.

On motion of Mr. Hughes the House at 1:05 o'clock P. M. adjourned until this evening.

EVENING SESSION.

House met pursuant to adjournment. Speaker Evans in the Chair. Roll called; quorum present.

Mr. Camp moved a reconsideration of the vote by which the House passed House bill No. 505, to be entitled "An Act to change the county line between Bexar and Medina counties."

On motion of Mr. Schutze the reconsideration was made the special order for Friday next at 9:30 P. M.

By leave, Mr. Hughes introduced a bill to be entitled "An Act to appropriate the sum of seven thousand dollars, or so much thereof as may be necessary, to defray the expense of the commission authorized to visit the Northern and Western frontier and Indian reservation."

Bill read the first time and referred to the Committee on Indian Affairs.

By leave, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom joint resolutions Nos. 22 and 26, and House bills Nos. 151, 180, 184, 222, 343, 383, 505, 506 and 507 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
C. J. STOCKBRIDGE,
Chairman of Committee.

Report accepted, and a messenger was dispatched to the Senate with the bills and joint resolutions.

A message was received from the Senate, transmitting House bill No. 394, which the Senate has passed; also, announcing that the Senate had agreed to House amendments to Senate bill No. 2 and to House amendments to Senate bill No. 262.

Mr. Harn, Chairman of Select Committee on the Governor's veto message of the East Line and Red River Railroad Company, by leave, submitted a report which, on motion of Mr. Burnett, was recommitted.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills instruct me to report that they have examined and find correctly enrolled House bills Nos. 283 and 428, and that House bills Nos. 98, 172, 278, 260, 416 and 487 have this day been presented to his Excellency, the Governor, for approval.

WILLIS G. ROBINSON,
Chairman.

Report accepted.

Under resolution, adopted on the fourth instant, Mr. Schutze called up a bill (House bill No. 509) to be entitled "An Act to repeal an act amendatory of 'An Act to punish certain offenses committed on Sunday,' passed November 13, A. D. 1866," which was read the first time.

On motion of Mr. Schutze the rules were suspended, House bill No. 509 read the second time, ordered to be engrossed and read the third time.

Mr. Schutze moved a further suspension of the rules to put the bill on its final passage, upon which motion the yeas and nays were called for by Messrs. B. F. Williams, Dorris and Grothaus, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Burnett, Davis, Dorris, Franks, Gardiner, Grothaus, Hamilton, Haswell, Johnson, Kyle, Lacy, Lyons, Morrison, Morris, Mitchel, Mullins, Posey, Plumley, Prissick, Robb, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, York, Zapp, Zoeller—34.

Nays—Messrs. Austin, Richard Allen, Becton, Booty, Bonner, Cooper, Camp, Cox, Dupree, Gaston, George, Hughes, Harn, Jenkins, Kendall, Lane, Leonard, Moore of Harrison, McLean, Medlock, Moore of Red River, Ross, Schutze, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, Young—31.

So the rules were not suspended, four-fifths of those present not voting in the affirmative.

A message was received from the Senate, transmitting Senate bills Nos. 260 and 273, asking the concurrence of the House in the same.

Bills passed to orders of the day.

Mr. Schutze moved a reconsideration of the vote by which the House refused to suspend the rules.

Mr. B. F. Williams moved to lay the motion to reconsider on the table.

Lost.

The question recurring on the motion of Mr. Schutze to reconsider, the House decided to reconsider.

Mr. Schutze moved that the bill be made the special order for tomorrow at 10:30 A. M.

Lost.

Mr. Davis called up a bill (House bill No. 510) to be entitled "An Act to create and organize the county of Lincoln and locate the county site of the same," which was read the first time.

On motion of Mr. Zapp the bill was recommitted to the Committee on Counties and County Boundaries.

Mr. Sheriff called up House bill No. 470, to be entitled, "An Act to incorporate the town of Richmond, Fort Bend county," which was read the second time.

The substitute recommended by the Committee on Town and City Corporations was then read and adopted in lieu of the original bill.

Substitute for House bill No. 470 was ordered to be engrossed and read the third time.

On motion of Mr. Franks the rules were suspended and substitute for House bill No. 470 read the third time, passed, and its title was agreed to.

Mr. Dupree called up Senate bill No. 267, to be entitled, "An Act to incorporate the Hempstead, Eastern and Western Trunk Railway Company of Texas," which was read the first time.

On motion of Mr. Harn the rules were suspended, and Senate bill No. 267 was read the second time.

On motion of Mr. Dupree section two was amended by striking out the words "or near," in line three after the words "eastwardly to."

On motion of Mr. Harn section two was amended by striking out the words "or near," in line three after the words "thence to."

On motion of Mr. C. L. Abbott the following was adopted as section thirteen:

SEC. 13. That this act shall take effect and be in force from and after its passage.

Mr. Cooper moved to amend section twelve by inserting the words "within twelve months from the passage of this act," after the word "Hempstead," in line two.

Mr. C. L. Abbott moved to lay the amendment on the table.

Lost.

The question recurring on the adoption of the amendment it was adopted.

Mr. Tegener moved to amend section twelve by adding the following:

"And shall build fifty miles of road the first three years, or this charter be null and void."

Mr. Grothaus moved to lay the amendment on the table.

Lost.

Mr. Grothaus moved to amend the amendment by striking out the word "fifty," and inserting the word "twenty."

Mr. Sinclair moved to lay on the table the amendment to the amendment.

Lost.

The question recurring on the adoption of the amendment to the amendment it was adopted.

The question recurring on the amendment as amended it was adopted.

Mr. Posey moved to amend by adding the words: "And by the by-laws of the company," after the word "act," in line twenty of section five.

Amendment adopted.

The bill was then ordered to its third reading.

On motion of Mr. Slaughter the rules were further suspended, and Senate bill No. 267, read the third time, passed, and its title was agreed to.

[Mr. Slaughter in the Chair.]

Mr. Simmons called up Senate bill No. 260, to be entitled "An Act to incorporate the Texas, Timber and Prairie Railroad Company," which was read the first time."

On motion of Mr. Austin the rules were suspended, and Senate bill No. 260, read the second time.

A message was received from the Senate transmitting enrolled House bills Nos. 428 and 283; announcing that the President of the Senate had signed the same in open session, and also transmitting Senate bills Nos. 35, 164, 171, 174, 239, 264, 274, 304 and 344, asking the concurrence of the House in the same.

Bills passed to orders of the day.

Mr. Cooper moved to amend section one by striking out the word "perpetual," and inserting after the word "succession," the words "for ninety-nine years."

Amendment adopted.

On motion of Mr. Jo. Abbott section twenty-four was amended by striking out the words "or other acts of God."

The bill was then ordered to its third reading.

On motion of Mr. Sinclair the rules were further suspended,

Senate bill No. 260, read the third time, passed, and its title was agreed to.

On motion of Mr. Burley the House at 10:30 P. M. adjourned until the usual hour to-morrow morning.

HOUSE OF REREPRESENTATIVES,
AUSTIN, TEXAS, August 10, 1870.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Mr. York was excused from attendance for the remainder of the session from Friday next.

On motion of Mr. Burley the reading of yesterday's journal was dispensed with.

Mr. Chambers was excused from attendance for the remainder of the session, from Saturday next at noon.

Mr. Burnett, Chairman of the Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on the Judiciary, to whom was referred House bill No. 239, entitled, "An Act regulating and prescribing fees of office," having carefully examined the same, the committee instruct me to report it back with the recommendation that it be passed without amendment.

Very respectfully,
BURNETT,
Chairman.

Mr. Burnett moved a suspension of the rules to take up House bill No. 239, to be entitled, "An Act regulating and prescribing fees of office."

Rules suspended and House bill No. 239 was read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Jenkins the rules were further suspended, House bill No. 239 read the third time, passed, and its title was agreed to.

Mr. Burnett, Chairman of Select Engrossing Committee, submitted the following report:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your select committee to whom was committed for engrossment House bill No. 503, entitled "An Act prescribing the mode of proceeding in district courts in matters of probate," have the

honor to report that said duty has been performed, and the committee herewith report said bill correctly engrossed, and respectfully ask to be discharged.

Very respectfully,

BURNETT, Chairman.
JENKINS,
BOOTY.

On motion of Mr. Burnett the rules were suspended and House bill No. 503, to be entitled "An Act prescribing the mode of proceeding in district courts in matters of probate," was read the third time, passed, and its title was agreed to.

Mr. Camp, Chairman of the Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Public Lands and Land Office to whom was referred the petition of the police court of Sabine county, asking for the passage of a law authorizing and requiring the county surveyor of Sabine county to transcribe the records in his office, have examined the same, and are of the opinion that the mutilated condition of said records require their transcription; hence they instruct me to report the petition back to the House with the accompanying bill and ask its passage.

Respectfully,

CAMP,
Chairman.

Report and bill passed to orders of the day.

Mr. Tegener, Chairman of the Committee on Indian Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Indian Affairs, to whom was referred a bill entitled "An Act to appropriate the sum of seven thousand dollars, or so much thereof as may be necessary, out of any moneys in the treasury, not otherwise appropriated, to defray the expenses of the commission heretofore appointed to visit the Northern and Western frontiers of the State, and the Indian reservation," having duly considered the same, herewith return the same, and most earnestly recommend its passage. And in this connection we would most respectfully represent that we deem this a measure of the

greatest importance to the people of our suffering frontier, and we would state that, by virtue of a joint resolution passed early in the session, a sub-committee of three from the House and two from the Senate have been appointed from the Committee on Indian Affairs to visit the Northern and Western frontiers of our State, and the Indian reservation, known as the Wichita Reserve, for the purpose of collecting testimony going to establish the fact that the Reserve Indians are, and have been continuously depredating on our Northern and Western frontiers.

We would further submit that, from reliable information that has come to our knowledge, we are confident that it will be in the power of this committee to collect ample testimony to establish beyond question the fact that the greater portion, if not all, of the depredations now committed on our Northern and Western frontiers, are committed by these Reserve Indians, who are now being armed, clothed and fed by the general government. It is further believed by your committee that if the proper representations are made to the War Department and to the general government, and full and satisfactory testimony adduced to the fact that the Indians now on the Reserve are the parties that are now guilty of the merciless devastations of our exposed and helpless frontier, and that those wards of the nation are now being fed and armed by the general government to wage a savage warfare on a defenseless people, that immediate steps will be taken to arrest such depredations, and to disarm and place these Reserve Indians where it will be out of their power do us serious injury.

It is the unanimous opinion of your committee that it is important and proper that the commission be dispatched, with power to administer oaths, and send for all necessary persons and papers, and to do all things necessary for the effectual accomplishment of the objects of the commission, and to this end we most respectfully request this appropriation, and recommend the passage of the bill.

Very respectfully,

FRITZ TEGENER,
WM. HUGHES,
J. D. GEORGE,
AD. ZOELLER,
A. M. COX,
J. C. JENKINS,
J. C. WEAVER.

Mr. Zoeller moved a suspension of the rules to take up House bill No. 508, to be entitled "An Act to appropriate the sum of seven thousand dollars, or so much thereof as may be necessary, out of any moneys in the treasury, not otherwise appropriated, to defray

the expense of the commission heretofore authorized (by virtue of a joint resolution of the Senate and House of Representatives), to visit the frontier and the Wichita Indian Reservation, for the purpose of taking testimony, etc."

Rules suspended, and House bill No. 508 read the second time.

On motion of Mr. Grothaus, the rule requiring bills making appr priations to be considered in Committee of the Whole, was suspended in this case, and the bill was ordered to be engrossed and read the third time.

On motion of Mr. Jenkins, the rules were further suspended; House bill No. 508 read the third time and passed by the following vote:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Becton, Burley, Booty, Burnett, Cotton, Camp, Cox, Dupree, Ellis, Franks, Gardiner, Grothaus, George, Hughes, Hamilton, Johnson, Jenkins, Kyle, Kendall, Lane, Lyons, Morrison, Moore of Harrison, McLean, Mitchel, Mullins, Medlock, Moore of Red River, Posey, Plumley, Prissick, Robb, Ross, Schlickum, Schlotman, Sheriff, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Johnson, Youngkin, Zoeller—47.

Nays—Messrs. Richard Allen, Chambers, Cooper, Davis, Dorris, Gaston, Lacy, Leonard, Robinson, Simmons, Sinclair, Slaughter, Smyth, Stirman, Williams of Walker, Williams of Colorado, Young, York—18.

The title of the bill was agreed to.

Mr. Smyth was excused from attendance for the remainder of the session from Friday next.

Mr. B. F. Williams asked leave of absence for the remainder of the week. Leave not granted.

Mr. Cooper, Chairman of the Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred a protest from the police courts of Angelina county, protesting against the formation of a new county of a part of Angelina and other counties, hereby return the same, and ask that they be laid on the table, as the same subject has been before the committee, and reported also acted upon by the House.

COOPER,
Chairman.

Protest laid on the table.

Mr. Stockbridge, Chairman of Committe on Engrosseed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bill No. 501 has been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
C. J. STOCKBRIDGE,
Chairman of Committee.

Report accepted and bill sent to the Senate.

Mr. Burley moved a suspeusion of the rules to take up out of its regular order Senate bill No. 216.

Rules not suspended.

Mr. Sinclair moved a suspension of the rules to take up out of its regular order a bill (House bill No. 511) to be entitled "An Act for the assessment and collection of taxes."

Rules suspended and bill read the first time.

On motion of Mr. Cooper, the rules were further suspended, and House bill No. 511 was read the second time.

On motion of Mr. Burnett, section one was amended by striking out the words "on the first Monday in ——, in the year 187—," and inserting in lieu thereof the words "at the next general election for State and county officers."

Mr. Sinclair moved that the bill be recommitted.

Lost.

Mr. Grothaus moved to amend section one, line seven, by striking out the words "county judge" and inserting in lieu thereof the words "district clerk."

Lost.

On motion of Mr. Jo. Abbott, section one of the bill was stricken out.

Mr. Burnett moved that the bill be referred to a select committee, with leave to report at any time.

Carried.

The Speaker appointed Messrs. Burnett, Sinclair and Jo. Abbott such committee.

On motion of Mr. Slaughter, one hundred copies of Senate bill No. 238 were ordered printed.

On motion of Mr. Becton, the rules were suspended to take up bills relating to the judiciary.

Senate bill No. 281, to be entitled "An Act to organize the

courts of justices of the peace and county courts, and to define their jurisdiction," was read the first time.

On motion of Mr. Burnett, the rules were further suspended and Senate bill No. 281 was read the second time and ordered to its third reading.

On motion of Mr. Posey, the rules were further suspended and Senate bill No. 281 was read the third time, passed and its title was agreed to.

Senate bill No. 132, to be entitled "An Act requiring justices of the peace to tax a jury fee of three dollars in each criminal case tried before them, and to allow fees to jurors in such cases," was read the first time.

On motion of Mr. Burnett, the rules were further suspended and Senate bill No. 132 was read the second time and ordered to its third reading.

On motion of Mr. Jenkins, the rules were further suspended and Senate bill No. 132 was read the third time, passed, its title agreed to, and returned to the Senate.

Senate bill No. 340, to be entitled "An Act to provide for the payment of attorneys-at-law in *habeas corpus* cases," was read the first time.

On motion of Mr. Posey, the rules were further suspended and Senate bill No. 340 read the second time, and, on motion of Mr. Cooper, it was referred to the Judiciary Committee.

By leave, Mr. Franks, from the Judiciary Committee, submitted the following report:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Judiciary Committee, to whom was referred the memorial of Edward Collier, late District Attorney of the First Judicial District, have duly considered the same, and return herewith the following bill, and recommend its passage.

F. G. FRANKS,
For Committee.

Report and bill passed to orders of the day.

By leave, Mr. Grothaus, Chairman of the Committee on Immigration, submitted the following report:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representattves:

SIR: Your Committee on Immigration, to whom was referred

House bill No. 504, entitled, "A bill to be entitled 'An Act to incorporate the Northern Texas Immigration and Colonization Society,'" return the same, recommending that the bill do not pass for the following reasons:

First. That the corporation do not warrant or guarantee to the immigrant either land under the constitution, or protection in their lands or improvements under the constitution.

Second. That the corporation desires to be made the custodians of the State lands in the following seventeen counties: Palo Pinto, Eastland, Taylor, Callahan, Jones, Shackleford, Stephens, Young, Throckmorton, Haskell, Archer, Baylor, Clay, Knox, Hardeman, Wilbarger and Wichita, which is unconstitutional and unprecedented.

F. E. GROTHAUS,
Chairman Committee.

Report and bill passed to orders of the day.

The following entitled House bills were read the second time and laid on the table:

No. 361, "An Act to authorize and require the clerks of the district courts to apportion the causes on the dockets of said counties;" No. 400, "An Act to amend article 2345, (714) of the criminal code;" No. 247, "An act to regulate the taking of depositions in civil cases;" No. 354, "An Act to amend the laws of descents and distribution, so as to comply with the constitution of the State;" No. 188, "An Act to authorize the district court of Dallas county, and Supreme Court of the State, to license Charles H. Jenkins, of Dallas county, as an attorney and counselor-at-law;" No. 426, "An Act to define the duties of justices of the peace, when acting as notaries public, and to provide for the qualifications of the same;" No. 427, "An Act to legalize the notarial acts of justices of the peace in this State," and No. 103, "An Act to define the qualifications of supreme and disirict judges and district attorneys."

The following entitled House bills were read the second time and indefinitely postponed:

No. 267, "An Act to declare certain persons competent witnesses;" No. 55, "An Act to admit parties to civil suits to be witnesses," and No. 282, "An Act to permit parties defendants to testify in criminal cases."

The following entitled House bills were read the second time and rejected:

No. 290, "An Act to provide for the election of chief justice when all, or a majority of the justices of the peace elect, reside at the county seat," and No. 148, "An Act to provide abatement of

the salaries of judges and district atterneys failing to perform their official duties."

A message was received from the Senate transmitting House bills Nos. 166, 184, 376, 496, 407 and 503, and 478 with amendment, announcing that the Senate had passed the same; also, Senate bill No. 317, asking the concurrence of the House in the same; and also Senate enrolled bills Nos. 186, 237, and 265, which were presented to the Speaker, signed by him, and returned to the Senate.

House bill No. 5, to be entitled "An Act to permit persons of color and parties interested to testify," was read the second time, and its consideration was indefinitely postponed.

A message was received from the Senate announcing that the Senate had, on reconsideration, passed Senate bill No. 162, entitled "An Act to incorporate the Austin Bridge Company," vetoed by the Governor on the 9th inst.

House bill No. 187, to be entitled "An Act to further regulate the license and practice of attorneys and counselors-at-law," was read the second time, ordered to be engrossed, and read the third time.

On motion of Mr. Lane the rules were further suspended, and House bill No. 187, read the third time, passed, and its title was agreed to.

A bill reported by the Judiciary Committee, (House bill No. 512) to be entitled "An Act authorizing justices of the peace to act as notaries public, and defining their duties when acting as such," was read the first time.

On motion of Mr. Jenkins the rules were further suspended, House bill No. 512 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Posey the rules were further suspended, House bill No. 512 read the third time, passed and its title was agreed to.

House bill No. 117, to be entitled "An Act to amend articles three hundred and eighty-nine and three hundred and ninety, title twelve, chapter two of the Penal Code," was read the second time.

Mr. Slaughter moved an indefinite postponement of the bill.

Lost.

Mr. Stirman moved to amend section one by adding the following: "No white man shall marry a woman of color, and no white woman shall marry a man of color."

Mr. Plumley moved to lay the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Ellis, Stirman and Davis, and resulted as follows:

Yeas—Messrs. C. L. Abbott, Richard Allen, Booty, Cooper, Camp, Cox, Dupree, Davis, Dorris, Gardiner, Grothaus, Harn,

Hamilton, Kendall, Lyons, Morrison, Henry Moore, J. F. McKee, Mitchel, Mullins, Medlock, Miller, Posey, Plumley, Prissick, Schlickum, Schlotman, Slaughter, Stockbridge, Tegener, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Austin, Abney, Becton, Ellis, Gaston, Haswell, Johnson, Jenkins, Kyle, Lane, Leonard, Morris, McLean, Pierson, Robb, Ross, Simmons, Smyth, Stirman, Shelburne, S. S. Weaver, J. C. Weaver, Young, York—24.

So the amendment was laid on the table.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Slaughter the rules were further suspended, House bill No. 117 read the third time, passed and its title was agreed to.

House bill No. 122, to be entitled "An Act to amend article six hundred and forty-eight, title five, chapter six of the Code of Criminal Procedure," was read the second time.

Mr. Miller moved to lay the bill on the table.

Lost.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Posey the rules were suspended, House bill No. 122 read the third time, passed and its title was agreed to.

House bill No. 157, to be entitled "An Act to change article seven hundred and seventy-three *a* of the Penal Code of the State of Texas, defining swindling, and to amend article seven hundred and seventy-three *b* of the Penal Code," was read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Posey the rules were further suspended, House bill No. 157 read the third time, passed and its title was agreed to.

House bill No. 97, to be entitled "An Act to define fornication and punish the same," was read the second time.

Mr. Dorris moved to amend section one by adding the following proviso:

Provided, that should there be any offspring in case of cohabitation and actual fornication prohibited under this act, the party or parties connected therewith shall be liable for their support and education.

Mr. Cooper moved to lay the amendment on the table.

Lost.

The question recurring on the adoption of the amendment, it was not adopted.

Mr. Booty moved the previous question. Previous question seconded.

The question being "Shall the main question be now put?" the main question was ordered.

The main question being on the engrossment and third reading of the bill, it was ordered to be engrossed and read the third time.

On motion of Mr. Franks, the rules were further suspended, House bill No. 97 was read the third time and passed by the following vote, the yeas and nays having been called for by Messrs. Dorris, Davis and Slaughter:

Yeas—Messrs. Austin, Abney, H. R. Allen, Richard Allen, Becton, Burley, Booty, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Ellis, Franks, Gaston, Grothaus, George, Hamilton, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Henry Moore, McLean, J. F. McKee, Mitchel, Mullins, Medlock, R. L. Moore, Posey, Pierson, Prissick, Robb, Robinson, Schlotman, Schutze, Smyth, Stirman, Stockbridge, Shelburne, Tinsley, R. Williams, J. C. Weaver, B. F. Williams, Young, York, Youngkin, Zapp, Zoeller—54.

Nays—Messrs. Dorris, Gardiner, Haswell, Miller, Ross, Schlickum, Sheriff, Slaughter, Tegener—9.

The title of the bill was agreed to.

The hour arrived for the consideration of the special order, viz.: House Bill No. 299, to be entitled "An Act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1870."

The question pending at adjournment yesterday was on the substitute offered by Mr. Jo. Abbott. The House refused to adopt the substitute.

The question being on the final passage of House bill No. 299, the yeas and nays were called and resulted as follows:

Yeas—Messrs. Speaker, Abney, Richard Allen, Burley, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Kendall, Lyons, Morrison, J. F. McKee, Mitchel, Mullins, Medlock, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—38.

Nays—Messrs. Austin, H. R. Allen, Becton, Booty, Chambers, Ellis, Gaston, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, R. L. Moore, Posey, Pierson, Robb, Ross, Smyth, Stirman, Shelburne, J. C. Weaver, Young, York—27.

So the bill passed and its title was agreed to.

A bill (House bill No. 513), to be entitled, "An Act making an appropriation to pay for repairing the State Insane Asylum," was read the first time.

On motion of Mr. Johnson the rules were further suspended, and House bill No. 513 was read the second time.

On motion of Mr. Morrison the rule requiring bills making appropriations to be considered in Committee of the Whole was suspended in this case, and the bill was ordered to be engrossed and read the third time.

On motion of Mr. Johnson the rules were further suspended, House bill No. 513 read the third time and passed by the following vote:

Yeas---Messrs. Abney, H. R. Allen, Richard Allen, Becton, Burley, Booty, Cooper, Cotton, Camp, Cox, Davis, Franks, Gardiner, Grothaus, Hamilton, Haswell, Johnson, Kyle, Kendall, Lacy, Lane, Lyons, Morrison, Henry Moore, J. F. McKee, Mitchel, Mullins, Medlock, Miller, Posey, Plumley, Prissick, Robb, Robinson, Schlickum, Schlotman, Schutze, Stirman, Stockbridge, Tinsley, S. S. Weaver, R. Williams, J. C. Weaver, B. F. Williams, Youngkin, Zapp, Zoeller---47.

Nays---Messrs. Austin, Chambers, Dorris, Ellis, George, Harn, Jenkins, Leonard, Pierson, Ross, Smyth, Shelburne---12.

The title of the bill was agreed to.

A special message was received from the Governor, and on motion of Mr. Franks, the rules were suspended to allow the consideration of the same:

EXECUTIVE OFFICE,
Austin, August 10, 1870,

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I herewith return to your House "An Act concerning the University Lands, and confirming the titles thereto," it having originated in your House.

This act is objectionable, particularly in the respect that it compels the Governor to proceed to sell out the remaining university lands at once. Whether these lands belong to the university or to the general school fund, it is obvious that a large fund may be realized for the benefit of education by due care in the sale of them---they being some of the best lands in the State. There is no necessity existing which would require their immediate sale. Within a year or two such lands will probably bring two or three times what they will sell for now. In the meantime the university, even if reorganized, will not require other funds than are already on hand.

There are other objections to the act which I have not thought it necessary to mention here. Some of these are embraced in or re-

ferred to in the enclosed opinion of Hon. Wm. Alexander, Attorney General of the State, to which I ask the attention of your House.

Respectfully,

EDMUND J. DAVIS,
Governor.

The question being, "Will the House, on reconsideration, pass the bill, viz: "An Act concerning the University lands and confirming the titles thereto?" the yeas and nays were called and resulted as follows:

Yeas—Messrs. C. L. Abbott, George—2.

Nays—Messrs. Austin, Abney, H. R. Allen, Richard Allen, Becton, Burley, Booty, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Henry Moore, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Miller, R. L. Moore, Posey, Plumley, Prissick, Robinson, Schluckum, Schlotman, Schutze, Simmons, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp, Zoeller—59.

So the House, on reconsideration, refused to pass the bill.

On motion of Mr. Zoeller the rules were suspended to take up substitute for Senate bill No. 34, to be entitled "An Act to amend an act entitled 'An Act to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of San Antonio, Texas,' passed February 16, 1858," and the bill was read the first time.

On motion of Mr. Zoeller the rules were further suspended and substitute for Senate bill No. 34 was read the second time and ordered to its third reading.

On motion of Mr. Zoeller the rules were further suspended and substitute for Senate bill No. 34 read the third time, passed and its title agreed to.

Mr. Plumley moved that the House hold an afternoon session to-day from four to six o'clock, for the purpose of considering Senate bills.

Carried.

On motion of Mr. Camp the rules were suspended to take up House bill No 478, to be entitled "An Act to establish a system of public free schools for the State of Texas," which has been returned by the Senate with amendment.

The House agreed to the following Senate amendment: Amend article nine, section three, by striking out all after the word "act," in line four, and before the word "said," in third line.

A bill (House bill No. 514) to be entitled "An Act making an appropriation to pay for repairing the Supreme Court building," was read the first time.

On motion of Mr. Franks the rules were further suspended and House bill No. 514 read the second time.

On motion of Mr. Franks the rule requiring bills making appropriations to be considered in Committee of the Whole was suspended in this case, and the bill ordered to be engrossed and read the third time.

On motion of Mr. Johnson the rules were further suspended, House bill No. 514 read the third time and passed by the following vote:

Yeas—Messrs. Abney, Abbott of Austin, H. R. Allen, Richard Allen, Burley, Cooper, Cotton, Camp, Cox, Dupree, Davis, Franks, Gardiner, Jenkins, Kendall, Lyons, Morrison, Moore of Harrison, McLean, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—39.

Nays—Messrs. Austin, Becton, Booty, Dorris, Ellis, Gaston, Grothaus, George, Kyle, Lacy, Lane, Leonard, McKee of Guadalupe, Miller, Moore of Red River, Posey, Pierson, Ross, Simmons, Smyth, Shelburne, Weaver of Hunt, Weaver of Johnson, Young—24.

The title of the bill was agreed to.

By leave, Mr. Morrison presented a petition signed by citizens of Tennessee Colony, Anderson county, asking the passage of a law prohibiting the sale of spiritous liquors, which was read and referred to the Committee on State Affairs.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills instruct me to report that they have examined and find to be correctly enrolled, House bills Nos. 28, 77, 395, 123 and 368, and that House bills Nos. 283, 428, 486 and 436 have this day been presented to the Governor for approval.

WILLIS G ROBINSON,
Chairman Committee Enrolled Bills.

Report accepted, and enrolled bills signed by the Speaker and sent to the Senate.

House bill No. 515, a bill to be entitled, "An Act making an appropriation for refitting and repairing the Governor's mansion," was read the first time.

On motion of Mr. Johnson, the rules were further suspended, and House bill No. 515 read the second time.

On motion of Mr. Franks, the rule requiring all bills making appropriations to be considered in the Committee of the Whole House, was suspended in this case, and the bill was ordered to be engrossed, and read the third time.

On motion of Mr. Johnson, the rules were further suspended; House bill No. 515 read the third time, and passed by the following vote:

Yeas---Messrs. Abney, Abbott of Austin, H. R. Allen, Richard Allen, Burley, Chambers, Copper, Cotton, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Johnson, Kendall, Lyons, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Posey, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller---42.

Nays----Messrs. Austin, Becton, Booty, Ellis, Gaston, Jenkins, Kyle, Lacy, Lane, Leonard, Morrison, McLean, Miller, Pierson Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York---23.

The title of the bill was agreed to.

A bill (House bill No. 516) to be entitled "An Act making an appropriation for repairing the desks and purchasing chairs for the Senate Chamber and Hall of Representatives," was read the first time.

On motion of Mr. Johnson the rules were further suspended and House bill No. 516 read the second time.

On motion of Mr. Franks the rule, requiring all bills making appropriations to be considered in the Committee of the Whole House, was suspended in this case, and the bill was ordered to be engrossed and read the third time.

On motion of Mr. Franks the rules were further suspended, House bill No. 516 read the third time and passed by the following vote:

Yeas---Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Cooper, Cotton, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Johnson, Kendall, Lyons, Moore of Harrison, Morris, Mitchell, Mullins, Medlock, Posey, Plumley, Prissick,

Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—38.

Nays—Messrs. Austin, Abney, Becton, Booty, Chambers, Cox, Dupree, Ellis, Gaston, George, Jenkins, Kyle, Lacy, Lane, Leonard, Morrison, McLean, McKee of Guadalupe, Miller, Moore of Red River, Pierson, Robb, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York—31.

The title of the bill was agreed to.

Twelve o'clock M., the hour for the consideration of the Governor's veto message on a bill to be entitled "An Act to incorporate the Jefferson and Louisiana Slack Water Navigation Company," having arrived, the veto message of the Governor was read.

The question recurring, "Will the House on reconsideration pass the bill?" the House refused to pass the bill by the following vote:

Yeas—Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Franks, Gaston, Gardiner, Johnson, Kyle, Lacy, Lane, Leonard, McLean, Miller, Posey, Pierson, Plumley, Robb, Ross, Schutze, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Young, York—30.

Nays—Messrs. Richard Allen, Burnett, Chambers, Cooper, Camp, Cox, Dupree, Davis, Dorris, Ellis, Grothaus, George, Harn, Hamilton, Jenkins, Kendall, Lyons, Morrison, Henry Moore, J. F. McKee, Mitchel, Mullins, Medlock, R. L. Moore, Prissick, Robinson, Schlickum, Schlotman, Smyth, Tinsley, S. S. Weaver, R. Williams, J. C. Weaver, B. F. Williams, Youngkin, Zoeller—36.

A message was received from the Senate transmitting House enrolled bills Nos. 28, 77, 123, 368 and 395, which the Senate has passed.

Mr. Franks moved a suspension of the rules to take up out of its regular order House bill No. 469, to be entitled, "An Act appropriating five hundred dollars for certain purposes."

Rules suspended and House bill No. 469 read second time.

On motion of Mr. Franks the rule requiring all bills making appropriations to be considered in Committee of the Whole House was suspended in this case.

On motion of Mr. Franks the bill was amended by inserting after the words "Edward Collier," the words "or any other person authorized by the Attorney General."

The bill was then ordered to be engrossed and read the third time

On motion of Mr. Franks the rules were further suspended House bill No. 469 read the third time, and passed by the following vote:

Yeas—Messrs. Austin, Abney, C. L. Abbott, Richard Allen,

Jo. Abbott, Burnett, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Kendall, Lacy, Lyons, Morrison, Henry Moore, McLean, Mullins, Medlock, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sinclair, Slaughter, Stockbridge, Shelburne, Tegener, Tinsley, R. Williams, B. F. Williams, Young, Youngkin, Zoeller—42.

Nays—Messrs. Becton, Cox, Ellis, Gaston, George, Johnson, Jenkins, Lane, Leonard, J. F. McKee, Miller, Posey, Robb, Ross, Simmons, Stirman, J. C. Weaver, York—18.

The title of the bill was agreed to.

Mr. Franks moved a suspension of the rules to take up House bill No. 314, to be entitled "An Act making an appropriation to defray the expenses of the removal of the mortal remains of General Sam Houston from Huntsville to Independence, as contemplated in joint resolution No. 7," returned from the Senate with an amendment.

On motion of Mr. Posey the following Senate amendment was adopted:

SEC. 1. After the word "Independence" insert "or city of Houston, at the option of the surviving relatives of the deceased."

On motion of Mr. Lacy the rules were suspended and House bill No. 338, to be entitled "An Act to establish the Sabine Pass and Red River Railway Company," was read the third time, passed, and its title was agreed to.

On motion of Mr. Hamilton the House, at 1:10 o'clock P. M., adjourned until 4 o'clock this afternoon.

AFTERNOON SESSION.

4 O'CLOCK P. M.

House met pursuant to adjournment; Speaker Evans in the Chair. Roll called; no quorum present.

Mr. Slaughter was excused from attendance for the afternoon.

Mr. Grothaus moved a call of the House. Call sustained.

Absent—Messrs. Jo. Abbott, Booty, Cooper, Camp, Dorris, Ellis, Franks, Gardiner, Hughes, Haswell, Johnson, Robb, Schutze, Sheriff, Smyth and Youngkin.

On motion of Mr. Tegener the Sergeant-at-Arms was dispatched for the absentees.

Mr. Miller moved that the House adjourn. Lost.

Quorum present.

On motion of Mr. Chambers the call of the House was suspended.

On motion of Mr. Plumley the rules were suspended to take up Senate bills.

Senate bill No. 317, to be entitled "An Act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1870," was read the first time.

On motion of Mr. Tegener the rules were further suspended and Senate bill No. 317, read the second time.

A message was received from the Senate transmitting House bills Nos. 151, 205, 446 and 461, and 454 with amendments; and also transmitting enrolled Senate bills Nos. 90, 179 and 262, which were presented to the Speaker, signed by him in open session, and returned to the Senate.

Mr. Burnett offered the following amendment to Senate bill No. 317:

For furnishing and miscellaneous repairing Governor's mansion, $3500; for porter and gardener for Governor's mansion $600.

Mr. McLean moved to amend the amendment by striking out the words "and gardener."

On motion of Mr. McLean the further consideration of the bill was postponed until 11 A. M. to-morrow.

Senate bill No. 341, to be entitled "An Act making appropriations for the payment of the expenses of maintaining ranging companies on the frontier," was read the first time.

On motion of Mr. Jenkins the rules were further suspended and Senate bill No. 341, read the second time.

On motion of Mr. Tegener the rule requiring bills making appropriations to be considered in Committee of the Whole was suspended in this case, and the bill was ordered to its third reading.

On motion of Mr. Jenkins the rules were further suspended, Senate bill No. 341 read the third time, and passed by the following vote:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, R. Allen, Becton, Burley, Booty, Burnett, Cotton, Cox, Dupree, Davis, Gaston, Grothaus, George, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Zapp, Zoeller—60.

Nays—Mr. Chambers.

The title of the bill was agreed to.

Senate bill No. 144, to be entitled "An Act appropriating money for the Treasury Department," was read the first time.

On motion of Mr. Leonard, the rules were further suspended and Senate bill No. 144 read the second time.

On motion of Mr. Grothaus, the rule requiring bills making appropriations to be considered in Committee of the Whole House, was suspended in this case, and the bill was ordered to its third reading.

On motion of Mr. Leonard, the rules were further suspended, Senate bill No. 144 read the third time and passed by the following vote:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Richard Allen, Becton, Burley, Booty, Burnett, Chambers, Cotton, Cox, Dupree, Davis, Gaston, Grothaus, George, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, Zapp, Zoeller—57.

Nays—Messrs. Ross, Smyth, Weaver of Hunt, York—4.

The title of the bill was agreed to.

Senate bill No. 146, to be entitled "An Act prescribing the powers and duties of clerks of the district courts," was read the first time.

On motion of Mr. Jenkins, the rules were further suspended; Senate bill No. 146 read the second time, and ordered to its third reading.

On motion of Mr. Posey, the rules were further suspended; Senate bill No. 146 read the third time, passed, and its title was agreed to.

Senate bill No. 62, to be entitled "An Act to amend an act entitled 'An Act to establish a Code of Criminal Procedure for the State of Texas,' approved 26th day of August, 1856," was read the first time.

On motion of Mr. Jenkins, the rules were further suspended; Senate bill No. 62 read the second time, and ordered to its third reading.

On motion of Mr. Jenkins, the rules were further suspended; Senate bill No. 62 read the third time, passed, and its title was agreed to.

Senate bill No. 319, to be entitled "An Act authorizing and requiring the Comptroller of Public Accounts to invest in United States bonds the school fund now in the State Treasury," was read the first time.

On motion of Mr. Sinclair the rules were further suspended, Senate bill No. 319 read the second time and ordered to its third reading.

On motion of Mr. Posey the rules were further suspended, Senate bill No. 319 read the third time, passed and its title was agreed to.

Senate bill No. 330, to be entitled "An Act to authorize counties, cities and towns to aid in the construction of railroads and the works of internal improvement," was read the first time.

On motion of Mr. Jenkins the rules were further suspended, Senate bill No. 330 read the second time and ordered to its third reading.

On motion of Mr. Posey the rules were further suspended, Senate bill No. 330 read the third time, passed and its title was agreed to.

Senate bill No. 284, to be entitled "An Act to provide that certain copies of written documents, filed in any of the State departments, shall be admitted in evidence in the courts in this State," was read the first time.

On motion of Mr. Sinclair the rules were further suspended, Senate bill No. 284 read the second time and ordered to its third reading.

On motion of Mr. Sinclair the rules were further suspended, Senate bill No. 284 read the third time, passed and its title was agreed to.

Senate bill No. 51, to be entitled "An Act providing for a geological survey of the State of Texas," was read the first time.

On motion of Mr. Sinclair the rules were further suspended, Senate bill No. 51 read the second time and ordered to its third reading.

On motion of Mr. Plumley the rules were further suspended, Senate bill No. 51 read the third time, passed, and its title was agreed to.

Senate bill No. 218, to be entitled, "An Act regulating public printing," was read the third time, passed, and its title was agreed to.

Senate bill No. 332, to be entitled, "An Act authorizing the county courts to sell the school lands situated in their respective counties," was read the first time.

On motion of Mr. McLean the rules were further suspended, and Senate bill No. 332 was read the second time.

On motion of Mr. Schutze the bill was amended by striking out

the words "Superintendent of Education," wherever they occur, and inserting the words, "Superintendent of Public Instruction."

The bill was then ordered to its third reading.

On motion of Mr. Leonard the rules were further suspended, Senate bill No. 332 read the third time, passed, and its title was agreed to.

Substitute for Senate bill No. 66, to be entitled, "An Act defining the homestead and other property exempt from forced sale in this State," was read the first time.

On motion of Mr. Austin the rules were further suspended, substitute for Senate bill No. 66 read the second time, and ordered to its third reading.

On motion of Mr. McLean the rules were further suspended, substitute for Senate bill No. 66 read the third time, passed, and its title was agreed to.

Substitute for Senate bill No. 20, to be entitled, "An Act regulating the right to keep and bear arms," was read the first time.

On motion of Mr. Lane the rules were further suspended, substitute for Senate bill No. 20 read the second time, and ordered to its third reading.

On motion of Mr. Camp the rules were further suspended, substitute for Senate bill No. 20 read the third time, passed, and its title was agreed to.

Senate bill No. 314, to be entitled "An Act to regulate the disposal of the public lands of the State of Texas," was read the first time.

On motion of Mr. Leonard the rules were further suspended, Senate bill No. 314 read the second time, and ordered to its third reading.

On motion of Mr. Camp the rules were further suspended, Senate bill No. 314 read the third time, passed and its title was agreed to.

A messenger was dispatched to the Senate with Senate bills Nos. 62, 341, 144, 146, 319, 330, 284, 51, 218, 332 and 314, and substitute for Senate bill No. 20, and substitute for Senate bill No. 66.

On motion of Mr. Lacy the House, at 5:50 P. M., adjourned until the usual hour this evening.

EVENING SESSION.

8:30 o'Clock P. M.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

Under resolution adopted August fourth, Mr. Cox called up substitute for Senate bill No. 148, to be entitled, "An Act to incorporate the Texas and Mexico Railway Company," which was read the second time.

Mr. J. F. McKee moved to amend section three, line four, by inserting the word "Seguin" after the word "Houston."

Mr. Morrison moved to lay the amendment on the table.

Carried.

Mr. Sinclair moved to amend section three by striking out all after the word "ocean," in line 8, to include the word "river" in line nine.

On motion of Mr. Plumley the amendment was laid on the table.

Mr. J. F. McKee moved to strike out the word "river," after the word "Rio Grande," in line five, section three.

On motion of Mr. Slaughter the amendment was laid on the table.

Mr. George moved to strike out section eleven.

On motion of Mr. Harn, the amendment was laid on the table.

Mr. Haswell moved to amend section ten, line five, by striking out all after the word "require," and by striking out the word "September," in line two of the same section, and inserting in lieu thereof the word "January."

On motion of Mr. Harn, the amendment was laid on the table.

Mr. Grothaus moved the previous question. Previous question seconded.

The question occurring "Shall the main question be now put?" the main question was ordered.

The main question being on the third reading of the bill, its third reading was ordered.

Mr. Slaughter moved a suspension of the rules to put the bill on its final passage, upon which motion the yeas and nays were called for by Messrs. Sinclair, Haswell and George, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Austin, Richard Allen, Becton, Burley, Booty, Burnett, Chambers, Cotton, Camp, Cox, Dupree, Davis, Ellis, Franks, Gaston, Grothaus, Hughes, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Posey, Pierson, Plumley, Prissick,

Robb, Robinson, Ross, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Shelburne, Tegener, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, Young, York, Youngkin, Zapp, Zoeller—61.

Nays—Messrs. Abbott of Hill, Dorris, Gardiner, George, Haswell, Moore of Red River, Schlotman, Sinclair, Stockbridge—9.

So the rules were suspended.

Substitute for Senate bill No. 248 was read the third time and passed by the following vote:

Yeas—Messrs. Austin, H. R. Allen, Richard Allen. Jo. Abbott, Becton, Burley, Booty, Chambers, Cotton, Camp, Cox, Davis, Ellis, Franks, Gaston, Gardiner, Hughes, Harn, Hamilton, Johnson, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Henry Moore, Morris, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Miller, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Shelburne, Tinsley, R. Williams, J. C. Weaver, B. F. Williams, Young, York, Youngkin, Zapp, Zoeller—58.

Nays—Messrs. Burnett, Dupree, Dorris, George, Haswell, R. L. Moore, Schlotman, Sinclair, Stockbridge—9.

The title of the bill was agreed to.

A message was received from the Senate transmitting House bills Nos. 383 and 433, announcing that the Senate had passed the same; also announcing that the Senate had concurred in House amendment to Senate bill No. 167; and also transmitting Senate bills Nos. 291, 325, 334, 343 and 350, asking the concurrence of the House in the same.

Senate bills passed to orders of the day.

Mr. Slaughter moved a suspension of the rules to take up the Governor's veto message of a bill entitled "An Act to incorporate the Austin Bridge Company."

Rules suspended, and the message of the Governor was read.

Mr. Franks moved the previous question.

Previous question seconded.

The question occurring, "Shall the main question be now put?" the main question was ordered.

The main question being, "Will the House, on reconsideration, pass the bill?" the yeas and nays were called and resulted as follows:

Yeas—Messrs. Austin, H. R. Allen, Jo. Abbott, Becton, Booty, Chambers, Camp, Ellis, Franks, Gaston, Gardiner, George, Hughes, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Morrison, Morris, McLean, Miller, R. L. Moore, Posey, Pierson, Plumley,

Robb, Ross, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, J. C. Weaver, Young, York---40.

Nays---Messrs. C. L. Abbott, Richard Allen, Burley, Burnett, Cotton, Dupree, Davis, Dorris, Grothaus, Hamilton, Kendall, Henry Moore, Mitchel, Mullins, Medlock, Prissick, Schlickum, Schlotman, Stockbridge, Tegener, R. Williams, B. F. Williams, Youngkin, Zoeller---24.

So the House, on reconsideration, refused to pass the bill; two-thirds of those present not voting in the affirmative. The Senate was notified of this action.

A message was received from the Senate transmitting House bills Nos. 195, 480 and 483, announcing that the Senate had passed the same, and also Senate bills Nos. 259, 308, 335, 351, 352 and 353, asking the concurrence of the House in the same.

Senate bills passed to orders of the day.

Mr. Sinclair called up substitute for Senate bill No. 238, to be entitled "An Act to incorporate the Pacific and Great Eastern Railway Company of Texas," which was read the first time.

On motion of Mr. Richard Allen, the rules were suspended, and substitute for Senate bill No. 238 was read the second time.

Mr. Robinson moved to amend section one, by inserting after the word "Mississippi," the words "Brigham Young, of the territory of Utah."

On motion of Mr. Tegener the amendment was laid on the table.

Mr. Grothaus moved that the House adjourn.

Lost.

Mr. Sinclair moved to amend section one, line seventeen, by striking out the word "perpetual" before the word "succession," and inserting after the word "succession" the words, "and remain and be in force for the period of ninety-nine years."

Amendment adopted.

The bill was then ordered to its third reading.

Mr. Slaughter moved a further suspension of the rules to put the bill on its final passage.

Rules suspended, and substitute for Senate bill No. 238 read the third time and passed by the following vote, the yeas and nays having been called for by Messrs. Slaughter, Sinclair and Posey:

Yeas—Messrs. Austin, C. L. Abbott, H. R. Allen, Richard Allen, Becton, Burley, Booty, Chambers, Camp, Dupree, Davis, Franks, Gaston, Gardiner, George, Hughes, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Henry Moore, Morris, McLean, J. F. McKee, Mullins, Miller, R. L. Moore, Posey, Prissick, Robb, Robinson, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shel-

burne, Tegener, Tinsley, R. Williams, J. C. Weaver, B. F Williams, Young, York, Zapp, Zoeller—57.

Nays—Messrs. Cotton, Grothaus, Mitchel, Schlotman—4.

The title of the bill was agreed to.

Mr. Robinson. Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills instruct me to report that they have carefully examined House bills Nos. 197, 203, 407 and 496, and find the same correctly enrolled.

ROBINSON,
Chairman.

Report accepted.

By leave, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom joint resolution No. 25, and House bills Nos. 97, 117, 122, 157, 187, 338, 470, 482, 508, 509, and 512 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

C. J. STOCKBRIDGE,
Chairman of Committee.

Report accepted.

Mr. Grothaus moved that the House adjourn until the usual hour to-morrow morning; upon which motion the yeas and nays were called for by Messrs. Slaughter, Sinclair and Morrison, and resulted as follows:

Yeas—Messrs. Austin, Abbott of Hill, Becton, Cotton, Camp, Dupree, Davis, Gaston, Grothaus, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Moore of Harrison, Morris, McLean, Mitchell, Medlock, Miller, Posey, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Simmons, Stirman, Stockbridge, Shelburne, Tinsley, J. C. Weaver, B. F. Williams, Young, Youngkin, Zapp, Zoeller—43.

Nays—Messrs. H. R. Allen, Richard Allen, Burley, Booty, Chambers, Franks, Morrison, J. F. McKee, R. L. Moore, Plumley, Sinclair, Slaughter, Weaver of Hunt, Williams of Walker, York—15.

So the House at 10:30 P. M. adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, August 11, 1870.

House met pursuant to adjournment, Speaker Evans in the Chair. Roll called; quorum present.

The Speaker laid before the House a communication signed by the Comptroller and Treasurer relative to a bill introduced in the Senate by the Senate Committee on Finance, making appropriations for the State government, which was read and referred to the Committee on Finance.

Mr. Cooper, Chairman of the Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries to whom was referred a remonstrance from the citizens of DeWitt county protesting against the dismemberment of said county in order to form a new county thereof, return the same, and recommend that it be laid on the table, as the relative subject has been before the committee, and reported on, and disposed of by the House.

COOPER,
Chairman.

Remonstrance laid on the table.

Mr. Johnson, Chairman of the Committee on Public Buildings and Grounds, submitted the following report:

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Public Buildings and Grounds, to whom was referred the "petition of Robt. T. Boyce, asking relief in the matter of the roof of the Capitol," having had the same under careful consideration, ask leave to make the following report:

Your committee find that in the year 1858 the petitioner, together with one I. B. Sawyer, undertook to re-model and re-cover the roof of the Capitol, using "West's galvanic cement," and also the roof of the Supreme Court building, giving bond for its durability for the period of ten years, and to keep the same in repair for that time; that the work was completed as required by the contract, and as such received by the State.

Your committee are unable to ascertain, except from the statement of the petitioner, whether there was ever any notification given by the State to petitioner that the said roofs needed repairing, but are of the opinion that there was none; and your committee know that subsequent to the completion of the said roof, and during the late war, the Capitol building, and in fact all other public buildings, were not kept in the most careful manner, and from the statement of parties resident at the capital, are convinced that on many occasions said roof was trampled over, and otherwise misused in such manner as that no roof of that character would bear. And your committee are further of opinion that, had such notification been given during the war, it would have been impossible to have obtained the necessary material for repairs, as under contract, and that during the war, by and in accordance with an act of the Legislature of the State, the said roof was torn off, and a shingle roof put in its place.

Your committee find that in the Reconstruction Convention of ——, a resolution was offered for the relief of petitioner, and referred to a committee, but from some cause was never acted on.

In view of these facts your committee believe that the petitioner, having done the work in a proper manner, and circumstances over which he had no control having annulled the balance of the contract, the petition should be granted, and ask leave to offer the following enclosed bill, and recommend its passage.

J. W. JOHNSON,
Chairman.

Report and bill passed to orders of the day.

Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee, to whom House bills Nos. 269, 469, 513, 514, 515 and 516, have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

STOCKBRIDGE,
Chairman.

Report accepted and bills sent to the Senate.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I have the honor to report that House bills, Nos. 77, 28, 123, 368 and 395, were this day presented to the Governor for approval.

WILLIS G. ROBINSON,
Chairman Committee.

Report accepted.

A messenger was dispatched to the Senate with enrolled House bills Nos. 197, 203, 496 and 407.

Mr. Cooper introduced the following joint resolution:

JOINT RESOLUTION

To defray the Contingent Expenses of the Twelfth Legislature.

Be it resolved by the Legislature of the State of Texas, That the sum of thirty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to defray the contingent expenses of the twelfth Legislature.

Joint resolution read the first time.

On motion of Mr. Johnson the rules were suspended, and joint resolution read the second time.

On motion of Mr. Camp the rule requiring all appropriations to be made by bill was suspended in this case.

On motion of Mr. Johnson, the rule requiring bills making appropriations to be considered in Committee of the Whole was suspended in this case.

The joint resolution was then ordered to be engrossed and read the third time.

On motion of Mr. Cooper the rules were further suspended, joint resolution read the third time, and passed by the following vote:

Yeas—Messrs. Abney, Abbott of Austin, Richard Allen, Becton, Booty, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Gaston, Gardiner, George, Hughes, Hamilton, Haswell, Johnson, Kyle, Kendall, Lyons, Morrison, Henry Moore, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Hunt, R. Williams, Weaver of Johnson, York, Youngkin, Zapp, Zoeller—51.

Nays---Messrs. Austin, Jo. Abbott, Chambers, Ellis, Franks Jenkins, Lacy, Leonard, Robb, Ross. Simmons, B. F. Williams—12.

The title of the joint resolution was agreed to.

Mr. J. C. Weaver introduced a bill (House bill No. 517) to be entitled "An Act fixing the compensation of the Speaker of the House of Representatives."

Bill read the first time.

On motion of Mr. Burnett the rules were suspended and House bill No. 517 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Plumley the rules were further suspended, House bill No. 517 read the third time and passed by the following vote, the yeas and nays having been called for by Messrs. Hughes, Leonard and Ellis:

Yeas—Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, Richard Allen, Becton, Booty, Burnett, Chambers, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Kyle, Kendall, Lyons, Morrison, Henry Moore, Morris, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Posey, Plumley, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Sinclair, Stirman, Stockbridge, Tegener, Tinsley, S. S. Weaver, R. Williams, J. C. Weaver, B. F. Williams, Young, York, Youngkin, Zapp, Zoeller—54.

Nays—Messrs. Jo. Abbott, Ellis, Gaston, Hughes, Jenkins, Leonard, Pierson, Robb, Ross, Shelburne—10.

The title of the bill was agreed to.

Mr. Camp introduced the following concurrent resolution:

CONCURRENT RESOLUTION.

WHEREAS, The act of Congress, passed the twenty-fifth July, 1866, provided that "the Legislature, which shall be chosen next preceding the expiration of the time for which any senator was elected, shall, on the second Tuesday after the meeting and organization, proceed to elect a senator in the place of such senator going out of office;" and

Whereas, in Texas the term from 1865 to 1871 was vacant to which Morgan C. Hamilton was elected to fill; and

Whereas, said Hamilton would, of course, go out of office March 4, 1871; and it does not seem legal nor proper to elect for the future term of 1871 to 1877, in view of the language of the above recited act; and

Whereas, the question necessarily arises, "When did the Legis-

lature meet and organize in the meaning of the language of Congress?" not before the approval of the constitution by Congress; and

Whereas, the meeting and organization in February was *provisional* only, and did not authorize the election of a senator to an office not yet vacant; and

Whereas, section seven of the reconstruction laws of April 10, 1869. declares that the proceedings in any State (including, of course, the election of senators in February last) shall not be deemed final until approved by Congress; and

Whereas, the session of the Legislature of Texas, which convened on the eighth day of February, 1870, was provisional only, and only authorized and empowered to take such action as was necessary to restore the State of Texas to her proper relations in the Union, to-wit: to adopt the thirteenth, fourteenth and fifteenth amendments to the Constitution of the United States, and to elect senators to fill the two vacant terms expiring March 4, 1871, and March 4, 1875, respectively; and

Whereas, the said Provisional Legislature did proceed to elect a senator in Congress, to fill the term to commence the fourth day of March, 1871, the same not being a vacancy, and there being at least one regular session before said vacancy happens; therefore

Be it resolved by the Legislature of the State of Texas, That said election for a senator, for the term to commence March 4, 1871, is, upon mature reflection, believed to have been premature, without authority, and void; and

Resolved, further, That on the second Tuesday after the commencement of the next regular session of this Legislature, in accordance with law, this Legislature do proceed to elect a senator in Congress for the term commencing March 4, 1871.

Concurrent resolution read the first time.

Mr. Burnett moved that the concurrent resolution be laid on the table, upon which motion the yeas and nays were called for by Messrs. Sinclair, Burnett and R. Allen, and resulted as follows:

Yeas—Messrs. Austin, Richard Allen, Burnett, Cotton, Dupree, Davis, Dorris, Franks, Grothaus, George, Hamilton, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—29.

Nays—Messrs. Abney, H. R. Allen, Abbott of Hill, Becton, Booty, Chambers, Cooper, Camp, Cox, Ellis, Gaston, Gardiner, Hughes, Haswell, Johnson Jenkins, Kyle, Kendall, Lacy, Leonard, Lyons, Morris, McLean, Pierson, Plumley, Robb, Ross, Simmons,

Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Weaver of Johnson, Young, York—36.

So the House refused to lay the concurrent resolution on the table.

Mr. Franks moved that the concurrent resolution be referred to the Committee on Privileges and Elections, upon which motion the the yeas and nays were called for by Messrs. Robb, Chambers and Sinclair, and resulted as follows:

Yeas—Messrs. Abney, Richard Allen, Burnett, Cotton, Dupree, Davis, Dorris, Franks, Grothaus, George, Harn, Hamilton, Kendall, Henry Moore, J. F. McKee, Mitchel, R. L. Moore, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Stockbridge, Tegener, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—31.

Nays—Messrs. Austin, C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Booty, Chambers, Cooper, Camp, Cox, Gaston, Gardiner, Hughes, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, Morris, McLean, Miller, Posey, Pierson, Plumley, Robb, Ross, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Walker, Young, York—40.

So the House refused to refer the concurrent resolution.

Concurrent resolution read the second time.

Mr. Harn moved that the concurrent resolution be rejected.

Mr. Haswell moved the previous question.

Previous question seconded.

The question occurring, "Shall the main question be now put?" the yeas and nays were called for by Messrs. R. Allen, Burnett and J. F. McKee, and resulted as follows:

Yeas—Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Booty, Chambers, Cooper, Camp, Cox, Ellis, Franks, Gaston, Hughes, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morris, McLean, Miller, Pierson, Plumley, Robb, Ross, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York—42.

Nays—Messrs. Richard Allen, Burley, Burnett, Cotton, Dupree, Davis, Dorris, Grothaus, George, Harn, Hamilton, Kendall, Moore of Harrison, McKee of Guadalupe, Mitchell, Mullins, Medlock, Moore of Red River, Robinson, Schlickum, Schlotman, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—27.

So the main question was ordered.

The main question being on the rejection of the concurrent reso-

lution, the yeas and nays were called for by Messrs. Franks, Davis, and Harn, and resulted as follows:

Yeas—Messrs. Richard Allen, Burnett, Cotton, Dupree, Davis, Dorris, Franks, Grothaus, George, Harn, Hamilton, Kendall, Lyons, Henry Moore, J. F. McKee, Mitchel, Mullins, Medlock, R. L. Moore, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Tegener, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—31.

Nays—Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Burley, Booty, Chambers, Cooper, Camp, Cox, Ellis, Gaston, Hughes, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Morris, McLean, Miller, Pierson, Plumley, Robb, Ross, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, S. S. Weaver, J. C. Weaver, Young, York—40.

So the House refused to reject the concurrent resolution.

Mr. Slaughter moved the previous question.

Previous question seconded.

Mr. Burnett moved a call of the House.

Call sustained.

Absent—None.

On motion of Mr. Leonard the call of the House was suspended.

Mr. R. L. Moore moved that the House adjourn until 8:30 this evening, upon which motion the yeas and nays were called for by Messrs. R. Allen, J. F. McKee and Robinson, and resulted as follows:

Yeas—Messrs. R. Allen, Burnett, Cotton, Dupree, Davis, Dorris, Franks, Grothaus, Hamilton, Kendall, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Robinson, Schlickum, Schlotman, Sheriff, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—28.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Burley, Booty, Chambers, Cooper, Camp, Cox, Ellis, Gaston, Gardiner, George, Hughes, Harn, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Morrison, Morris, McLean, Miller, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York—47.

So the House refused to adjourn.

Mr. Abney moved that the House adjourn till 3:30 this afternoon.

Mr. Davis moved a call of the House.

Call sustained.

Absent—Mr. Gardiner.

Mr. R. L. Moore moved that the House adjourn until 4 o'clock,

P. M.; upon which motion the yeas and nays were called for by Messrs. J. F. McKee, R. Allen, and Davis, and resulted as follows:

Yeas—Messrs. Abney, Richard Allen, Burnett, Cotton, Dupree, Davis, Dorris, Grothaus, George, Hamilton, Kendall, Lyons, Henry Moore, J. F. McKee, Mitchel, Mullins, Medlock, R. L. Moore, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Stockbridge, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—31.

Nays—Messrs. Austin, C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Burley, Booty, Chambers, Cooper, Camp, Cox, Ellis, Franks, Hughes, Harn, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Morrison, Morris, McLean, Miller, Pierson, Plumley, Robb, Ross, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Tegener, Weaver of Hunt, Weaver of Johnson, Young, York—41.

So the House refused to adjourn.

On motion of Mr. Slaughter the Sergeant-at-Arms was dispatched for Mr. Gardiner.

Mr. Franks moved that Mr. Gardiner be excused from attendance for the balance of the present session; upon which motion the yeas and nays were called for by Messrs. Sinclair, Burnett and B. F. Williams, and resulted as follows:

Yeas—Messrs. Austin, Abney, Abbott of Hill, Chambers, Cooper, Camp, Cox, Ellis, Franks, Grothaus, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Robb, Ross, Simmons, Sinclair, Slaughter, Stirman, Weaver of Hunt, Young, York—28.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Becton, Burley, Booty, Burnett, Cotton, Dupree, Davis, Dorris, Gaston, George, Hughes, Harn, Hamilton, Kendall, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Smyth, Stockbridge, Shelburne, Tegener, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, Youngkin, Zapp, Zoeller—46.

So Mr. Gardiner was not excused.

Mr. Franks moved a suspension of the call of the House, upon which motion the yeas and nays were called for by Messrs. R. Allen, Davis and Franks, and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Burnett, Cooper, Dupree, Davis, Franks, Gardiner, Grothaus, George, Harn, Morrison, J. F. McKee, Mullins, Medlock, Moore of Red River, Robinson,

Schlotman, Stockbridge, Tegener, Tinsley, Williams of Colorado, Youngkin, Zapp, Zoeller—25.

Nays—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Chambers, Cotton, Camp, Cox, Dorris, Ellis, Gaston, Hughes, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Moore of Harrison, Morris, McLean, Mitchel, Miller, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schlickum, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Young, York—50.

So the call of the House was not suspended.

Mr. Franks moved that the House adjourn until 8:30 this evening, upon which motion the yeas and nays were called for by Messrs. Sinclair, Johnson and Slaughter, and resulted as follows:

Yeas—Messrs. Abney, Richard Allen, Burley, Burnett, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Kendall, Lyons, Morrison, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Stockbridge, Tegener, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Austin, Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Chambers, Cooper, Camp, Cox, Ellis, Gaston, Hughes, Harn, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Morris, McLean, Miller, Posey, Pierson, Plumley, Robb, Ross, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, S. S. Weaver, J. C. Weaver, Young, York—39.

So the House refused to adjourn.

The Speaker announced that the House was full.

The hour having arrived for the consideration of business, as provided for in resolution adopted July 2, Mr. Slaughter moved its postponement until the business now under consideration is disposed of.

Mr. Franks moved that the House adjourn until 4 o'clock, P. M., upon which motion the yeas and nays were called for by Messrs. Dorris, Davis and R. Allen, and resulted as follows:

Yeas—Messrs. Austin, Richard Allen, Burnett, Cotton, Dupree, Davis, Dorris, Franks, George, Harn, Hamilton, Kendall, Lyons, Moore of Harrison, McKee of Guadalupe, Mitchel, Mullins, Medlock, Moore of Red River, Prissick, Schlickum, Schlotman, Schutze, Sheriff, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—32.

Nays—Messrs. Abbott of Austin, H. R. Allen, Abbott of Hill, Becton, Booty, Chambers, Cooper, Camp, Cox, Ellis, Gaston, Gar-

diner, Grothaus, Hughes, Haswell, Johnson, Jenkins, Kyle, Lacy Lane, Leonard, Morrison, Morris, McLean, Miller, Posey, Pierson, Plumley, Robb, Ross, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York—40.

So the House refused to adjourn.

The question recurring on the motion of Mr. Slaughter to postpone the regular order of business, it was postponed.

A message was received from the Senate transmitting enrolled House bills Nos. 197, 203, 407 and 496, announcing that the President of the Senate had signed the same in open session; and also transmitting enrolled Senate bills Nos. 132, 144, and 184, which were presented to the Speaker, signed by him in open session, and returned to the Senate.

Mr. Richard Allen moved that the House adjourn.

Lost.

The question recurring, "shall the main question be now put?" the yeas and nays were called for by Messrs. J. F. McKee, Richard Allen and Davis, and resulted as follows:

Yeas—Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Booty, Chambers, Cooper, Camp, Cox, Ellis, Gaston, Gardiner, Grothaus, Hughes, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Henry Moore, Morris, McLean, Miller, Posey, Pierson, Plumley, Robb, Ross, Schlickum, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tegener, S. S. Weaver, J. C. Weaver, B. F. Williams, Young, York, Zoeller—52.

Nays—Messrs. Richard Allen, Burnett, Dupree, Davis, Dorris, Franks, George, Morrison, J. F. McKee, Mitchel, Mullins, Medlock, R. L. Moore, Prissick, Robinson, Schlotman, Sheriff, Tinsley, R. Williams, Youngkin, Zapp—21.

So the main question was ordered.

The main question being on the adoption of the concurrent resolution, the yeas and nays were called for by Messrs. Burnett, Abney and R. Allen, and resulted as follows:

Yeas—Messrs. Austin, C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Booty, Chambers, Cooper, Camp, Cox, Ellis, Gaston, Gardiner, Hughes, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Morris, McLean, Miller, Posey, Pierson, Plumley, Robb, Robinson, Ross, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Weaver of Hunt, Weaver of Johnson, Young, York—40.

Nays—Messrs. Abney, Richard Allen, Burnett, Dupree, Davis, Dorris, Franks, Grothaus, George, Harn, Hamilton, Kendall, Lyons, Morrison, Henry Moore, J. F. McKee, Mitchel, Mullins, Medlock,

R. L. Moore, Prissick, Schlickum, Schlotman, Schutze, Sheriff, Stockbridge, Tegener, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—32.

So the concurrent resolution was adopted.

Mr. Posey moved a reconsideration of the vote just taken.

Mr. Jo. Abbott moved to lay the motion to reconsider on the table, upon which motion the yeas and nays were called for by Messrs. Burnett, R. Allen and B. F. Williams, and resulted as follows:

Yeas—Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Burley, Booty, Chambers, Cooper, Camp, Cox, Dorris, Ellis, Gaston, George, Hughes, Haswell, Jenkins, Kyle, Lacy, Lane, Leonard, Morris, McLean, Miller, Pierson, Plumley, Ross, Robb, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, S. S. Weaver, J. C. Weaver, York, Young—41.

Nays—Messrs. R. Allen, Burnett, Cotton, Dupree, Davis, Grothaus, Harn, Hamilton, Kendall, Lyons, Morrison, H. Moore, J. F. McKee, Mitchel, Mullins, Medlock, R. L. Moore, Posey, Prissick, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Tegener, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—30.

So the motion to reconsider was laid on the table.

By leave, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representattves:

SIR: Your committee, to whom joint resolution No. 27; and House bill No. 517, have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman.

Report accepted, and a messenger was dispatched to the Senate with House joint resolution No. 27, making an appropriation to defray the contingent expenses of the twelfth Legislature of the State of Texas, and House bill No. 317.

A message was received from the Senate, transmitting House bill No. 84, which the Senate had passed.

Also, House bill No. 315, passed with amendment.

Also, enrolled Senate bill No. 248, which was presented to the Speaker, signed by him, and returned to the Senate.

Also, Senate concurrent resolution, appointing a committee of two

from the Senate, and three from the House, to visit the State Penitentiary during the recess, and report its condition; and also announcing that the Senate had reconsidered its action, and refused to concur in House amendment to Senate bill No. 2, and appointed a committee of free conference of Senators Pickett and Saylor, to confer with a like committee of the House.

On motion of Mr. Sinclair a like committee was appointed on part of the House.

The Speaker appointed Messrs. Sinclair, Morris and Becton such committee.

Mr. Burnett moved a reconsideration of the vote by which the House passed Senate bill No. 281.

Vote reconsidered, and a messenger was dispatched to the Senate, to notify that body of this action.

By leave, Mr. Lyons introduced a bill, to be entitled, "An Act authorizing and requiring the Comptroller of Public Accounts to audit the public debt of Texas, and prescribing the manner in which it shall be done."

Bill read the first time and referred to the Committee on Public Debt.

Mr. Plumley moved that a committee of free conference be appointed to confer with a like committee of the Senate on the tax and appropriation bills.

Carried.

The Speaker appointed Messrs. Schutze, Youngkin, R. Allen, McLean and Abbott of Hill such committee.

Mr. Sinclair, Chairman of select committee, submitted the following report:

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Select Committee to whom was referred House bill No. 511, entitled, "An Act for the assesment and collection of taxes," having daly considered the same respectfully report the same back, with the recommendation t at it be passed with accompanying amendments. The committee acknowledge the services of the Comptroller, and chief clerk in the Comptroller's office, in the examination of the bill.

Very respectfully,

SINCLAIR,
BURNETT,
ABBOTT.

Amend as follows:

Strike out section one, and insert the following as a substitute:

"SEC. 1. *Be it enacted by the Legislature of the State of Texas,* That the justices of the peace of the several counties of this State shall be the assessors of taxes in their respective precincts, under such rules and regulations as may be prescribed by law."

Strike out section two down to the words, "and I do," in fifth line, and insert the following in lieu thereof:

"That every justice of the peace shall, within ten days after he has received notice of his election, in addition to the bond and oath required for the performance of his other duties as justice of the peace, give a bond payable to the State of Texas, in a penalty of two thousand dollars, with at least three good and sufficient sureties, to be approved by the district judge of his county; and shall also take and subscribe the following oath."

Also, strike out in line eleven, section two, the words "or appointed;" also, strike out in line seventeen of same section, the word "court," and insert in lieu thereof the word "judge."

Also, line twenty-four, section two, strike out all after the words "official term," and insert in lieu thereof the following: "And in case of the removal, by the district judge, the cause therefor, and order of removal, shall be entered on the minutes of the court."

Strike out in line two, section four, the words "and with the consent of the district court," and in line three, same section, strike out the words "approved by the court."

Section five, line seven strike out all after the word "shall," and insert the following: "be subject to a fine of fifty dollars, on indictment or information in the district court."

Section eight, line two, strike out the words "or county court," and insert in lieu thereof the word "judge."

Section eleven, line six, strike out all after the word "failure," and insert the following: "be subject to a fine of fifty dollars, on indictment or information in the district court."

Section twenty-two, line thirteen, strike out all after the word "shall," and insert the following: "be subject to a fine of fifty dollars, on indictment or information in the district court."

Strike out all of sections thirty-four, thirty-five, thirty-six, thirty-eight and thirty-nine, and the words "income and salary," in sections forty, forty-one and forty-five, and wherever they occur in the bill.

Sections forty-five, lines two and three, strike out the words "tax or schedule for the assessment of the income, salary or poll," and insert the words "and poll," and in line twenty-three, same section, strike out the words "and schedule."

Strike out sections forty-seven, forty-eight, forty-nine, fifty, fifty-

one and fifty-two, and insert the following as a substitute for section fifty-one, viz:

"SEC. 51. Every railroad, canal or navigation company shall hereafter report quarterly on the fifteenth days of March, June, September and December in each year, to the Comptroller of Public Accounts the gross amount received by such company for the transportation of freight and passengers over such road or canal, or any part thereof, during the quarter of the year next preceding the first day of the month in which such report is made, and at the time of making such reports shall pay into the State treasury two per cent. of such gross amount received in compliance with section three of 'An Act to levy taxes.'"

Section fifty-five, line two, strike out the word "forfeit" and insert the words "be subject to a fine of;" and in section fifty-eight, line five, and section sixty-two, line two, make the same amendment.

Section sixty-nine, line one, strike out the words "each book, and of the schedules of income, salary, occupation and poll tax," and insert in lieu thereof the words "of the land book, and one copy of the book of personal property and poll tax."

Section seventy, line three, strike out word "two" and insert "one;" also strike out in line five, same section, the words "and schedules of income salary and poll tax."

Section seventy-six, line three, strike out word "forfeit" and insert words "be subject to a fine of."

Section eighty-eight, line two, strike out "county courts" and insert "district judge;" also in line three, same section, strike out "court" and insert "judge;" also strike out all of said section after the words justices of the peace," in line seven.

Section ninety-five, strike out lines one, two and three, and insert at the beginning of the section, "The sheriff in each county, in addition to," etc.

Section ninety-nine, line seven, strike out "county" and insert "district;" also in section one hundred and twenty-seven, line three, make the same amendment; and in line ten, section one hundred and twenty-seven, strike out "damages" and insert "penalty."

Add after section one hundred and thirty-four an additional section, to read as follows: "That the sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury, not otherwise appropriated, for the purchase of blanks and contingencies necessary to carry this act into effect."

On motion of Richard Allen the House, at 12:30 P. M., adjourned until 4 o'clock this afternoon.

AFTERNOON SESSION.

4 o'Clock, P. M.

House met pursuant to adjournment; Speaker in the Chair. Roll called; quorum present.

The rules were suspended to take up Senate bills.

Senate bill No. 325, to be entitled "An Act fixing the terms of the Supreme Court of the State of Texas, and authorizing and requiring the court to establish rules."

Read the first time.

On motion of Mr. Burnett, the rules were further suspended and Senate bill No. 325 read the second time and ordered to its third reading.

On motion of Mr. Burnett, the rules were further suspended, Senate bill No. 325 was read the third time, passed, and its title was agreed to.

Senate bill No. 350, to be entitled "An Act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico," was read the first time.

On motion of Mr. Jenkins, the rules were further suspended and Senate bill No. 350 read the second time.

On motion of Mr. Jenkins, the rule requiring bills making appropriations to be considered in Committee of the Whole, was suspended in this case, and the bill was ordered to its third reading.

Mr. Johnson moved a call of the House. Call sustained.

Absent—Messrs. Cooper, Ellis, Gardiner, Grothaus, George, Haswell, Kyle, Morrison, Miller, Robb, Sinclair and Smyth.

On motion of Mr. R. Allen, the call of the House was suspended.

On motion of Mr. Camp, the rules were further suspended, Senate bill No. 350 read the third time and passed by the following vote:

Yeas—Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, R. Allen, Becton, Burley, Booty, Burnett, Chambers, Cotton, Camp, Cox, Dupree, Davis Dorris, Franks, Gaston, Harn, Hamilton, Johnson, Jenkins, Kendall, Lane, Leonard, Lyons, Henry Moore, Morris, McLean, Mitchel, Mullins, Medlock, R. L. Moore, Posey, Pierson, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, S. S. Weaver, R. Williams, Young, York, Youngkin, Zapp, Zoeller—56.

Nays—Messrs. Jo. Abbott, Hughes, Lacy, J. F. McKee, Simmons, J. C. Weaver—6.

The title of the bill was agreed to.

A message was received from the Senate, returning House bill No. 505, as requested by the House.

On motion of Mr. Franks the rules were suspended to take up for consideration Senate bills Nos. 351 and 352.

Senate bill No. 351, to be entitled "An Act to validate certain official acts of county judges," was read the first time.

On motion of Mr. Jenkins the rules were further suspended, Senate bill No. 351 was read the second time, and ordered to its third reading.

On motion of Mr. Jenkins the rules were further suspended, Senate bill No. 351 read the third time, and its title was agreed to.

Senate bill No. 352, to be entitled "An Act to regulate the sale of lands under the decrees of the courts," was read the first time.

On motion of Mr. Jenkins the rules were further suspended and Senate bill No. 352 read the second time, and ordered to its third reading.

On motion of Mr. Franks the rules were further suspended, Senate bill No. 352 read the third time, and passed by the following vote:

Yeas—Messrs. Speaker, Austin, Abney, Abbott of Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Cotton, Cox, Dupree, Davis, Dorris, Franks, Harn, Hamilton, Johnson, Kendall, Lyons, Moore of Harrison, Morris, J. F. McKee, Mitchel, Mullins, Medlock, Moore of Red River, Posey, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Weaver of Johnson, Young, York, Youngkin, Zapp, Zoeller—50.

Nays—Messrs. Chambers, Camp, Hughes, Jenkins, Lacy, Lane, Leonard, McLean, Shelburne, Weaver of Hunt—10.

Mr. Leonard was excused from attendance until Monday next.

Mr. Burnett called up Senate bill No. 281, to be entitled "An Act to organize courts of justices of the peace and county courts, and to define their jurisdiction," which the House passed yesterday, and afterwards reconsidered.

On motion of Mr. Burnett section one was amended by striking out the words "on first Monday in ———, 1874," and inserting in lieu thereof the words "at the next general election for State and county officers."

On motion of Mr. Burnett the following was made an additional section to the bill:

"SEC. —. That this act take effect and be in force from and after its passage."

The bill then passed and its title was agreed to.

Mr. Jenkins moved a suspension of the rules to take up, out of its regular order, substitute for Senate bill No. 97, to be entitled "An Act for the relief of W. B. Price."

Rules suspended and bill read the first time.

On motion of Mr. Johnson the rules were further suspended and substitute for Senate bill No. 97 read the second time.

The House refused to order its third reading.

Mr. Chambers moved a suspension of the rules to take up, out of its regular order, Senate bill No. 246, to be entitled "An Act creating the county of San Jacinto, and naming the county thereof."

Rules suspended and bill read the first time.

On motion of Mr. Chambers the rules were further suspended, Senate bill No. 246 read the second time and ordered to its third reading.

On motion of Mr. Franks the rules were further suspended, Senate bill No. 246 read the third time and passed by the following vote, the yeas and nays having been called for by Messrs. Chambers, Franks and Davis:

Yeas—Messrs. Austin, Abney, Abbott of Austin, H. R. Allen, R. Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Chambers, Cotten, Camp, Cox, Dupree, Davis, Franks, Gaston, Hughes, Hamilton, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Moore of Harrison, Morris, McLean, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Posey, Pierson, Plumley, Prissick, Robb, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Shelburne, Tinsley, Weaver of Hunt, Williams of Walker, Young, York, Youngkin, Zapp—60.

Nays—Messrs. Harn, McKee of Guadalupe, Ross—3.

The title of the bill was agreed to.

Mr. Lane moved a suspension of the rules to take up out of its regular order Senate bill No. 138, to be entitled "An Act to change the name of Anna O'Donnell to Anna Rowe."

Rules suspended, and bill read the first time.

On motion of Mr. Franks, the rules were further suspended, and Senate bill No. 138 read the second time and ordered to its third reading.

On motion of Mr. Lane, the rules were further suspended; Senate bill No. 138 read the third time, passed, and its title was agreed to.

Mr. Tinsley moved a suspension of the rules to take up out of its regular order Senate bill No. 239, to be entitled "An Act to incorporate the Bank of Sabine Pass."

Rules suspended, and Senate bill No. 239 read the first time.

On motion of Mr. Franks, the rules were further suspended; Senate bill No. 239 read the second time and ordered to its third reading.

On motion of Mr. Franks the rules were further suspended, Senate bill No. 239, read the third time, passed, and its title was agreed to.

Mr. Franks moved a suspension of the rules to take up out of its regular order Senate bill No. 273, to be entitled "An Act to provide for the sale of the Houston Tap and Brazoria Railway."

Rules suspended and bill read the first time.

On motion of Mr. Franks the rules were further suspended and Senate bill No. 273 read the second time.

On motion of Mr. Becton section two was amended by striking out the words "sixty days," and inserting the words "ninety days."

On motion of Mr. Franks section three was amended by striking out all after the word "State," line twenty-four, and inserting in lieu thereof the following proviso:

"Provided further, that should said railway when offered for sale to the highest bidder, not bring the sum of one hundred thousand dollars coin, the Governor is hereby authorized to purchase the same for the State."

The bill was then ordered to its third reading.

On motion of Mr. Franks the rules were further suspended and Senate bill No. 273 read the third time, passed, and its title was agreed to.

Mr. Zapp moved a suspension of the rules to take up House bill No. 315, to be entitled "An Act to incorporate the town of Round Top, county of Fayette."

On motion of Mr. Johnson the House agreed to the following Senate amendment:

Article ten, in line four, insert after the words "violating this act," the words "shall be guilty of misdemeanor, and on conviction thereof."

Mr. Burley moved a suspension of the rules to take up out of its regular order Senate bill No. 216, to be entitled "An Act to incorporate the town of Bremond."

Rules suspended and bill read the first time.

On motion of Mr. Burley, the rules were further suspended, and Senate bill No. 216 read the second time and ordered to its third reading.

On motion of Mr. Burley, the rules were further suspended, and Senate bill No. 216 read the third time, passed and its title was agreed to.

A message was received from the Senate transmitting House bill

No. 466, with substitute adopted by the Senate therefor; also Senate joint resolutions Nos. 7 and 15; and also Senate bills Nos. 18, 19, 28, 30, 73, 107, 217, 249, 354, 355, 356 and 358, asking the concurrence of the House in the same.

Senate joint resolutions and bills passed to orders of the day.

Mr. Plumley moved that the House take up Senate bills in their regular order.

Carried.

Senate bill No. 1, to be entitled "An Act for the relief of freedmen and freedwomen," was read the first time.

On motion of Mr. Johnson, the rules were further suspended and Senate bill No. 1 read the second time and ordered to its third reading.

On motion of Mr. Grothaus, the rules were further suspended, Senate bill No. 1 read the third time and passed.

Mr. Burnett offered the following as the title of the bill: "An Act for the relief of persons formerly in bondage."

Mr. Dorris moved that the proposed title be rejected.

Lost.

The question recurring on the adoption of the proposed title, it was adopted.

Mr. Medlock moved that the House adjourn.

Lost.

Senate bill No. 8, entitled "An Act to incorporate the town of Hallsville, in Harrison county, Texas," was read the first time.

On motion of Mr. Sinclair the rules were further suspended, Senate bill No. 8 read the second time and ordered to its third reading.

On motion of Mr. Sinclair the rules were further suspended, Senate bill No. 8 read the third time passed, and its title was agreed to.

[Mr. McLean in the Chair.]

Senate bill No. 29, entitled "An Act to incorporate the Stonewall Fire Company of the City of Houston," was read the first time.

On motion of Mr Sinclair the rules were further suspended, Senate bill No. 29 read the second time and ordered to its third reading.

On motion of Mr. Johnson the rules were further suspended, Senate bill No. 29 read the third time, passed and its title was agreed to.

Senate bill No. 32, entitled "An Act to incorporate the Houston Hook and Ladder Company No. 1, of the city of Houston," was read the first time.

On motion of Mr. Johnson the rules were further suspended,

Senate bill No. 32 read the second time, and ordered to its third reading.

On motion of Mr. Sinclair the rules were further suspended, Senate bill No. 32 read the third time; passed and its title was agreed to.

Senate bill No. 34, entitled "An Act to amend an act, entitled 'An Act to incorporate the Western Tex s Life, Fire and Marine Insurance Company of the city of San Antonio, Texas,' passed February 16, 1858," was read the first time.

On motion of Mr. Austin the rules were further suspended, Senate bill No. 34 read the second time, and ordered to its third reading.

On motion of Mr. Johnson the rules were further suspended. Senate bill No. 34 read the third time, passed and its title was agreed to.

Senate bill No. 35, entitled "An Act to incorporate the officers and members of San Antonio Harmonia Lodge No. 1, O. D. H. S.," was read the first time.

On motion of Mr. Posey the rules were further suspended, Senate bill No. 35 read the second time and ordered to its third reading.

On motion of Mr. Zoeller the rules were further suspended, Senate bill No. 35 read the third time, passed and its title was agreed to.

Senate bill No. 45, entitled "An Act to incorporate Butler Male and Female College, in the county of Freestone," was read the first time.

On motion of Mr. Johnson the rules were further suspended. Senate bill No. 45 read the second time and ordered to its third reading.

On motion of Mr. Sinclair the rules were further suspended, Senate bill No. 45 read the third time; passed and its title was agreed to.

Mr. Medlock moved to adjourn.

Lost.

Senate bill No. 47, entitled "An Act to amend an act entitled 'An Act to incorporate the Houston and Great Northern Railroad Company,'" was read the first time.

On motion of Mr. Jo. Abbott the House, at 6 o'clock P. M., adjourned to the regular hour this evening.

EVENING SESSION.

8:30 O'CLOCK P. M.

House met pursuant to adjournment; Speaker Evans in the chair. Roll called; quorum present.

By leave Mr. Tinsley, Chairman of the Committee on Public Debt, submitted the following report:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Public Debt, to w om was referred "An Act authorizing and requiring the Comptroller of Public Accounts to audit the public debt of Texas, and prescribing the manner in which it shall be done," have had the same under consideration, and report the bill back with an amendment, making it conform to the constitution, and recommend its passage.

A. D. TINSLEY,
Chairman.

Mr. Tinsley moved a suspension of the rules to take up House bill No. 518, to be entitled, "An Act authorizing and requiring the Comptroller of Public Accounts to audit the public debt of Texas, and prescribing the manner in which it shall be done."

Rules suspended and bill read the second time.

On motion of Mr. Johnson the rule requiring bills making appropriations to be considered in Committee of the Whole, was suspended in this case, and the bill was ordered to be engrossed and read the third time.

On motion of Mr. Franks the rules were further suspended, House bill No. 518 read the third time and passed by the following vote:

Yeas—Messrs. Austin, Abney, H. R. Allen, Richard Allen, Becton, Burley, Booty, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hughes, Hamilton, Johnson, Kyle, Kendall, Lacy, Lane, Lyons, Morrison, Moore of Harrison, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Moore of Red River, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stockbridge, Shelburne, Tegener, Tinsley, Weaver of Johnson, Williams of Walker, Weaver of Hunt, Young, York, Youngkin, Zoeller—60.

Nays—Messrs. Chambers, Jenkins, Leonard, Smyth—4.

The title of the bill was agreed to.

By leave, Mr. Stockbridge, Chairman of the Committee on Engrossed bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bill No. 299 has been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman.

Report accepted, and the bill was sent to the Senate.

By leave, Mr. Harn, Chairman of Select Committee, submitted the following majority and minority reports:

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your special committee to whom was referred the veto message of his Excellency, the Governor, in reference to House bill No. 91, entitled "An Act to organize, incorporate and aid the East Line and Red River Railroad Company of Texas," have considered the objections therein set forth, and the undersigned, a majority of said committee, beg leave to make the following report:

In the opinion of the majority of said committee the objections made by the Governor to said bill are not sufficiently grave to justify us in sustaining the veto.

We are unable to see that the credit of the State will be impaired by granting the charter to said road. We are satisfied by evidence that the parties applying for the charter are abundantly able to comply with all its requisitions, and that they will do so. We discover no evidence whatever, nor do we believe that any exist, that said parties are merely speculators, seeking a charter to huckster the same on the market.

We think that the estimates in the message of the cost of the construction of said road are erroneous; and we submit herewith statements of the actual cost of the construction of roads similar to that contained in this charter.

In view of the facts, we, a majority of your select committee, respectfully recommend the passage of the bill.

E. P. BECTON,
F. KYLE,
B. BUSH PLUMLEY.

COMMITTEE ROOM,
Austin, August 9, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your special committee, to whom was referred the Governor's veto message of the East Line and Red River Railroad Company of Texas," beg leave to submit this minority report:

The veto message accompanying the bill sets forth very clearly the reasons that controlled the Governor in refusing the charter his sanction, and they are so amply sufficient, and appeal so directly to the interests of the tax payers and the welfare of the people, that an elaboration of that message appears to be almost unnecessary.

The issuance of bonds to the extent of thirty thousand dollars per mile for the construction of a road that can be built for fifteen thousand dollars, would place in the hands of the company asking this franchise and aid, the sum of seven and a half millions of dollars over and above its actual cost—which sum of money, to be made good by the people of Texas, would go into the pockets of the speculators who have presented this proposition to the Legislature. It is perfectly plain to the minority of this committee that if capitalists were desirous of investing their money in this enterprise, they would be satisfied with such reasonable aid as the State could, with safety, extend. And if they have confidence in the feasibility of the projected road, that it would be a successful artery of commerce and become a paying investment, they would take a portion of the risk, at least, in the outlay to secure its construction. But what does this charter propose to do? It asks the State to guarantee thirty thousand dollars to the mile of a road that, from the topography of the country through which it is proposed it shall pass, can be built for one-half that amount. It proposes to deposit with the Governor its own bonds of twenty-five thousand dollars per mile as security for the guaranteed bonds of thirty thousand dollars, thereby requiring a gift of five thousand dollars per mile outright, and the pledge of the State to the payment of twenty-five thousand dollars more per mile, or the interest thereon for thirty years; and if it defaults in payment, then the State shall take the road for its claim against the company.

This is the purpose of the charter; let us see how it will work. The company succeeds in building twenty-five miles of road, and issues seven hundred and fifty thousand dollars worth of bonds, which the State guarantees. It then grades ten miles more of road, and in accordance with the charter it issues one hundred thousand dollars more bonds, which the State guarantees, and so on. Can this company continue to simply grade ten miles of road in sections, and

for every such section of ten miles it can issue one hundred thousand dollars in guaranteed bonds until it becomes the interest of the company, after expending a few thousand dollars, to throw up their charter and leave the road in the hands of the State, after putting in their pockets a half a million of dollars which are to be paid by the people of Texas, without recourse or reconsideration?

If there is an honest purpose in this company to build the road, let them ask for the right of way; and if State aid be necessary, let them ask a guarantee of one-half of the cost of construction, and there is very little doubt that such a charter would meet with no opposition. But the purpose of this charter is too glaring. It looks too much like an immense swindle. It presents an appearance so suspicious that it must necessarily taint every man who sustains it, after the case against it has been so plainly made by the Governor.

Your committee would not impose a single obstacle to the development of internal improvements any and everywhere within the boundaries of the State. But they want companies with capital to invest, and with a willingness to embark it honestly in the enterprise. They want some exhibition on the part of these gentlemen, who come here for charters, that they have confidence in their own schemes, and have the money to support them. But they do not want a corporation to take the credit of the State and use it for their own profit and purposes, without a corresponding responsibility. They are desirous of fostering every measure that possesses true merit, that is to minister to the prosperity and wealth of the State, and the best interests of the people; and among them there are none more important or beneficial than the building of railroads; but they must be built upon a real basis, and the companies must be firm enough to insure the exact compliance with the full terms of their charters before your committee will yield their consent to part with the valuable franchises they are endeavoring to secure.

Your committee, differing with the majority, indulge the hope that this House will not be forgetful of the duty they owe to the people of Texas—that they will not burden the State with a debt that promises no equivalent in this proposed road, and that forgetting all collateral issues, they will vote to sustain this patriotic veto.

C. D. HARN,
Chairman,
R. WILLIAMS,
of Walker.

The Governor's veto message was then read.

Mr. Grothaus moved a call of the House.

Call sustained.

Absent—Messrs. Chambers, Cooper, George, Stirman and Zapp.

Messrs. Cooper and George were excused from attendance for the evening.

On motion of Mr. Zoeller the Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Franks the call of the House was suspended.

The question then occurred "Will the House, on reconsideration, pass the bill?" viz: "An Act to organize, incorporate and aid the East Line and Red River Railroad Company of Texas."

The yeas and nays were called and resulted as follows:

Yeas—Austin, Abney, H. R. Allen, Jo. Abbott, Becton, Booty, Ellis, Gaston, Hughes, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, Leonard, Morrison, Morris, McLean, Miller, R. L. Moore, Posey, Pierson, Plumley, Robb, Ross, Schutze, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Tegener, S. S. Weaver, J. C. Weaver, Young—37.

Nays—Messrs. C. L. Abbott, Richard Allen, Burley, Burnett, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Harn, Hamilton, Kendall, Lyons, H. Moore, J. F. McKee, Mitchel, Mullins, Medlock, Prissick, Robinson, Schlickum, Schlotman, Sheriff, Stockbridge, Tinsley, R. Williams, York, Youngkin, Zapp, Zoeller—34.

So the House, on reconsideration, refused to pass the bill, two-thirds of those present not voting in the affirmative.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills, instruct me to report that they have examined and find correctly enrolled House bills Nos. 49, 79, 152, 166, 195, 383, 433, 477, 480 and 483, and that House bills Nos. 197, 203, 407, and 496, have this day been presented to his Excellency, the Governor, for approval.

Very respectfully,
WILLIS G. ROBINSON,
Chairman of Committee.

Report accepted.

A messenger was dispatched to the Senate to notify that body that the House had passed Senate bill No. 281, with certain amendments; that the House had agreed to Senate amendment to House bill No. 315, and transmitting Senate bills Nos. 325, 350, 351, 352, 246, 138, 239, 273, 216, 1, 8, 29, 32, 34, 35 and 45, which the House has passed this day.

Messrs. Morris and Stirman were excused from attendance for the balance of the session from Saturday next.

Mr. Tinsley moved a reconsideration of the vote by which the House passed House bill No. 518, to be entitled "An Act authorizing and requiring the Comptroller of Public Accounts to audit the public debt of Texas, and prescribing the manner in which it shall be done."

Vote reconsidered.

The following amendment, recommended by the Committee on Public Debt, was adopted:

Strike out the following at the close of section four: "the second day of March, 1861, and prior to the sixth day of September, 1865," and insert the following: "the twenty-eighth day of January, 1861, and prior to the fifth day of August, 1865."

The bill then passed by the following vote:

Yeas—Messrs. Austin, H. R. Allen, R. Allen, Becton, Burley, Booty, Burnett, Cotton, Camp, Cox, Dupree, Davis, Dorris, Gaston, Gardiner, Grothaus, Hughes, Harn, Hamilton, Haswell, Kyle, Kendal, Lacy, Lane, Lyons, Morrison, Henry Moore, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Miller, Posey, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, S. S. Weaver, R. Williams, J. C. Weaver, York, Youngkin, Zapp, Zoeller—56.

Nays—Messrs. Jo. Abbott, Chambers, Franks, Johnson, Jenkins, Smyth—6.

The title of the bill was agreed to.

Under resolution adopted August 4 Mr. Camp called up House bill No. 87, to be entitled "An Act making an appropriation to pay the widow and heirs of W. A. Smith, deceased, for services rendered the State," which was read the second time.

On motion of Mr. Sinclair, the rule requiring bills making appropriations to be considered in Committee of the Whole, was suspended in this case, and the bill was ordered to be engrossed and read the third time.

On motion of Mr. Jenkins, the rules were further suspended; House bill No. 87 read the third time and passed by the following vote:

Yeas—Messrs. Austin, H. R. Allen, Richard Allen, Becton, Burley, Booty, Chambers, Cotton, Camp, Davis, Dorris, Franks, Gaston, Gardiner, Grothaus, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Henry Moore, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Miller, Posey, Plumley, Prissick, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze,

Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Weaver of Hunt, Weaver of Johnson, York, Youngkin, Zapp, Zoeller—56.

Nays—Messrs. Burnett, Cox, Dupree, R. L. Moore, R. Williams—5.

The title of the bill was agreed to.

Mr. Slaughter called up House bill No. 509, to be entitled "An Act to repeal an act amendatory of 'An Act to punish certain offenses committed on Sundays,' passed November 13, A. D. 1866," which was read the third time, passed and its title agreed to.

Mr. Lacy moved that the House adjourn.

Lost.

Mr. Smyth called up House bill No. 102, to be entitled "An Act for the relief of the Texas and New Orleans Railroad Company, and to protect them in the enjoyment of their rights."

The question pending at adjournment July 26, was on the amendment offered by Mr. Hughes to the substitute for section three, offered by Mr. McLean.

The amendment to the substitute was adopted.

The question recurring on the adoption of the substitute as amended, it was adopted.

The bill was then ordered to be engrossed and read the third time.

On motion of Mr. Smyth the rules were further suspended, House bill No. 102 read the third time and passed by the following vote, the yeas and nays having been called for by Messrs. Grothaus, Zoeller and R. Williams:

Yeas—Messrs. Austin, H. R. Allen, R. Allen, Jo. Abbott, Burley, Booty, Chambers, Camp, Dorris, Gaston, Hughes, Harn, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, H. Moore, McLean, R. S. Moore, Posey, Plumley, Prissick, Robinson, Ross, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Weaver of Hunt, R. Williams, J. C. Weaver, York, Zapp—42.

Nays—Messrs. Burnett, Cotton, Dupree, Davis, Grothaus, Hamilton, Morrison, J. F. McKee, Mitchel, Mullins, Medlock, Miller, Robb, Schlickum, Schlotman, Shelburne, Youngkin, Zoeller—18.

The title of the bill was agreed to.

On motion of Mr. Sinclair the rules were suspended to allow him to offer the following resolution:

WHEREAS, The clerical force employed in the enrollment and engrossment of bills, is inadequate to do the work which must necessarily be done between this and adjournment; therefore be it

Resolved, That the Speaker be, and he is hereby authorized, to employ such clerical force as is necessary, in order to complete the

enrollment and engrossment of all bills that have passed, or shall pass, this House before adjournment.

Resolution read first and second times, and, on motion of Mr. Camp, it was adopted.

Mr. Lacy moved that the House adjourn.

Lost.

Mr. Cotton called up Senate bill No. 344, to be entitled "An Act to incorporate the city of Calvert," which was read the first time.

On motion of Mr. Leonard, the rules were suspended, Senate bill No. 344 was read the second time and ordered to its third reading.

On motion of Mr. R. Allen, the rules were further suspended, Senate bill No. 344 read the third time, passed, and its title was agreed to.

Mr. Stirman called up Senate bill No. 296, to be entitled "An Act declaring that the time between the date of the so-called ordinance of secession, and the date of the acceptance by the Congress of the United States of the State Constitution, shall not be counted or reckoned against railroad companies," which was read the second time.

On motion of Mr. Burnett, the House, at 10:15 P. M., adjourned until the usual hour to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, August 12, 1870.

House met pursuant to adjournment; Speaker Evans in the Chair. Roll called; quorum present.

On motion of Mr. Grothaus, the reading of yesterday's journal was dispensed with.

Mr. Burnett, Chairman of the Committee on Judiciary, submitted the following report:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Judiciary Committee have the honor to report the accompanying bill, entitled "An Act providing for the custody of records and papers of the late county courts pertaining to estates of deceased persons, wards, etc., and for disposing of the business pending in said courts," and recommend its passage.

Very respectfully,
BURNETT,
Chairman.

Mr. Burnett moved a suspension of the rules to take up the bill just reported, House bill No. 519, to be entitled "An Act providing for the custody of records and papers of the late county courts pertaining to estates of deceased persons, wards, etc., and providing for disposing of the business pending in said courts."

Rules suspended, and bill read the first time.

On motion of Mr. Jenkins, the rules were further suspended; House bill No. 519 read the second time, ordered to be engrossed, and read the third time.

On motion of Mr. Burnett, the rules were further suspended; House Bill No. 519 read the third time, passed, and its title was agreed to.

Mr. Schutze, Chairman of the Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, July 28, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on State Affairs to whom was referred a petition of citizens of Travis county, respectfully protesting against the passage of an act which would prohibit the sale of spirituous

liquors within a certain distance of Fiskville Academy, (so-called.) have had the same under consideration, and beg leave to refer the same back, recommending that the above prohibitory act be not passed by your honorable body, for the following reasons:

1. A majority of the inhabitants, and especially those who live nearest to the above mentioned (so-called) academy, of said settlement, have not signed this protest.

2. Your committee have reason to believe that inasmuch as parties have signed the petition requesting this Legislature to pass such prohibitory laws, who live at a distance of about five miles from said academy, this request partly emanates from private speculation; intending to force a successful competition against the store now in contemplation, situated about one-and-a-half miles from said school.

3. Your committee have obtained reliable information that the minority of the inhabitants of Fiskville settlement who have petitioned your honorable body for the passage of such prohibitory laws, intended to avail themselves of the acknowledged readiness of this honorable body in passing such prohibitory laws, for the purpose of furthering their own private interests.

4. The parties who have signed the accompanying protest, have largely contributed to the erection of said schoolhouse.

5. That Fiskville Academy, (so-called) is nothing but a common village school, consisting of one schoolroom, one teacher, and about twenty or thirty small scholars. Nothing but the rudiments of the elementary branches of education are taught in said school, and those only for a limited period during the year.

Very respectfully,

JULIUS SCHUTZE,
Chairman.

Report and petition filed with the bill in this case.

Mr. Cooper, Chairman of the Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 481, entitled "An Act to change the boundary line of Johnson and Ellis counties, with petition from citizens of Ellis county praying for the change to be made," herewith return the same, recommending that the bill do pass—but that the House take no action on the same until the next session.

COOPER,
Chairman of Committee.

Report and bill passed to orders of the day.

Mr. Stockbridge, Chairman of Committee on Engrossed Bills submitted the following report:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee, to whom House bill No. 102 has been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman.

Report accepted.

Mr. Schutze, Chairman of the Committee on Free Conference, submitted the following report:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee of Conference, with a similar one of the Senate, to whom was referred "An Act making appropriations for the support of the State Government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State Government for previous years, have duly considered the same and beg leave to report that the committee unanimously agreed to recommend the passage of the Senate appropriation bill, with the following amendments, viz:

Appropriation for Adjutant General's office, after line four, insert:

Telegraphing and printing $1,000
Pay of Adjutant General, from June 24th to August 31st, 1870 558
Clerk's hire for July and August, 1870 200

And on page 15, add,

For support of State Police 75,000

Very respectfully,
JULIUS SCHUTZE,
Chairman House Committee.

On motion of Mr. Burnett, the rules were suspended to consider the report of Committee on Free Conference, and Senate bill No. 317, to be entitled "An Act making appropriations for the support of the State Government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State Government for previous years."

On motion of Mr. Burnett, the amendment recommended by the Committee on Free Conference was adopted.

On motion of Mr. Schutze, the rule requiring bills making appropriations to be considered in Committee of the Whole, was suspended in this case, and the bill was ordered to its third reading.

Mr. Morrison moved a call of the House.

Call sustained.

Absent—Messrs. Booty, Dorris, Hughes, Harn, Haswell, Leonard and Miller.

Mr. Haswell was excused from attendance for the day, and Mr. Young for the remainder of the session.

On motion of Mr. Grothaus, the call of the House was suspended.

The question recurring on the final passage of Senate bill No. 317, the yeas and nays were called and resulted as follows:

Yeas—Messrs. Abney, Abbott of Hill, H. R. Allen, Richard Allen, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Franks, Gardiner, Grothaus, George, Hamilton, Johnson, Kendall, Locke, Lyons, Morrison, Moore of Harrison, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Posey, Plumley, Prissick, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Weaver of Johnson, Williams of Colorado, Youngkin, Zapp, Zoeller—48.

Nays—Messrs. Austin, Abbott of Austin, Becton, Chambers, Ellis, Gaston, Jenkins, Kyle, Lacy, Lane, Pierson, Robb, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, York—18.

The title of the bill was agreed to.

A messenger was dispatched to the Senate with House bills Nos. 102 and 509, and also with enrolled House bills Nos. 49, 79, 152, 166, 195, 383, 433, 477, 480 and 483 for signature of the President of the Senate.

Mr. Lacy moved a suspension of the rules to take up out of its regular order Senate bill No. 299, to be entitled "An Act to incorporate the Belzora Navigation Company."

Rules suspended, and bill read the first time.

On motion of Mr. Slaughter, the rules were further suspended; Senate bill No. 299 read the second time and ordered to its third reading.

On motion of Mr. Franks, the rules were further suspended; Senate bill No. 299 was read the third time, passed, and its title was agreed to.

Mr. Locke moved a suspension of the rules to take up out of its regular order House bill No. 316, to be entitled "An Act to discontinue the criminal court of the city of San Antonio, and to transfer the causes pending therein."

Rules suspended, and House bill No. 316 read the second time, ordered to be engrossed, and read the third time.

On motion of Mr. Slaughter the rules were further suspended, House bill No. 316 was read the third time, passed, and its title was agreed to.

Mr. Austin moved a suspension of the rules to take up out of its regular order Senate bill No. 191, to be entitled, "An Act to incorporate the North Texas Railroad Company."

Rules suspended and Senate bill No. 191 was read the first time.

On motion of Mr. Jenkins the rules were further suspended, and Senate bill No. 191 was read the second time.

On motion of Mr. Slaughter section one was amended by inserting after the word "succession," in line seven, the words, "for ninety-nine years."

The bill was then ordered to its third reading.

On motion of Mr. Slaughter the rules were further suspended, and Senate bill No. 191 read the third time, passed, and its title was agreed to.

Mr. Johnson introduced a bill (House bill No. 520) to be entitled "An Act making an appropriation for repairing and improving the State cemetery," which was read the first time.

On motion of Mr. Johnson the rules were suspended and House bill No. 520 was read the second time.

On motion of Mr. Slaughter the rule requiring bills making appropriations to be considered in Committee of the Whole was suspended in this case, and the bill was ordered to be engrossed and read the third time.

On motion of Mr. Cooper the rules were further suspended, and House bill No. 520 read the third time, and passed by the following vote:

Yeas—Messrs. Austin, Abney, C. L. Abbott, H. R. Allen, Richard Allen, Jo. Abbott, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Hughes, Harn, Hamilton, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Locke, Lyons, Morrison, Henry Moore, J. F. McKee, Mitchel, Mullins, Medlock, Posey, Plumley, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stockbridge, Shelburne, Tegener, S. S. Weaver, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—58.

Nays—Messrs. Pierson, York—2.

The title of the bill was agreed to.

Mr. R. Williams moved a suspension of the rules to take up out of its regular order House bill No. 476, to be entitled "An Act

making an appropriation for improving the Penitentiary at Huntsville, Texas, and for the purchase of machinery therefor."

Rules suspended, and House bill No. 476 was read the second time.

On motion of Mr. Grothaus, the rule requiring bills making appropriations to be considered in Committee of the Whole, was suspended in this case, and the bill was ordered to be engrossed and read the third time.

On motion of Mr. Burnett, the rules were further suspended; House bill No. 476 was read the third time and passed by the following vote:

Yeas—Messrs. Abney, C. L. Abbott, H. R. Allen, Richard Allen, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Hamilton, Johnson, Kyle, Locke, Lyons, Morrison, Henry Moore, Morris, J. F. McKee, Mitchel, Mullins, Medlock, Plumley, Prissick, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—42.

Nays—Messrs. Austin, Jo. Abbott, Becton, Ellis, Gaston, Grothaus, Hughes, Jenkins, Lacy, Lane, Posey, Pierson, Ross, Simmons, Smyth, Stirman, Shelburne, Weaver of Hunt, York—19.

The title of the bill was agreed to.

Mr. Tegener moved a suspension of the rules to take up out of its regular order House bill No. 221, to be entitled "An Act to incorporate the Galveston Savings Bank and Trust Company."

Rules suspended, and House bill No. 221 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Tegener, the rules were further suspended; House bill No. 221 read the third time, passed, and its title was agreed to.

A message was received from the Senate transmitting House Bills Nos. 150, 289, 338, 459, 467, 469, 482 and 492, announcing that the Senate has passed the same, and also transmitting Senate bills Nos. 72, 359 and 279, and substitute for Senate bill No. 248, asking the concurrence of the House in the same.

On motion of Mr. Slaughter, the rules were suspended and substitute for Senate bill No. 248, to be entitled "An Act to incorporate the Texas and Mexico Railway Company," was read the first time.

On motion of Mr. Slaughter, the rules were further suspended and substitute for Senate bill No. 248 was read the second time and ordered to its third reading.

On motion of Mr. Harn, the rules were further suspended, sub-

stitute for Senate bill No. 248 read the third time, passed, and its title was agreed to.

[Mr. Schutze in the Chair.]

Mr. Evans moved a suspension of the rules to take up out of its regular order Senate bill No. 279, to be entitled "An Act to incorporate the Rio Grande Railroad Company."

Rules suspended and Senate bill No. 279, was read the first time.

On motion of Mr. Evans, the rules were further suspended, Senate bill No. 279 was read the second time, and ordered to its third reading.

On motion of Mr. Plumley, the rules were further suspended, Senate bill No. 279 was read the third time, passed, and its title was agreed to.

A message was received from the Senate, transmitting enrolled Senate bills Nos. 62, 20, 138, 146, 267, 314, 319 and 341, which were presented to the Speaker, signed by him in open session, and returned to the Senate.

Mr. Posey moved a suspension of the rules to take up out of its regular order Senate bill No. 198, to be entitled "An Act to incorporate the Florence Male and Female High School, and to prohibit the sale of spirituous or other intoxicating liquors, within six miles of the same."

Rules suspended, and Senate bill No. 196 was read the second time.

On recommendation of the Committee on Education, section eight of the bill was stricken out, and section nine numbered eight.

On motion of Mr. Posey, the bill was ordered to its third reading.

On motion of Mr. Posey, the rules were further suspended, Senate bill No. 196 read the third time, passed, and its title was agreed to, after striking out all after the word "school" in the same.

Mr. J. F. McKee moved a suspension of the rules to take up out of its regular order Senate bill No. 257, to be entitled "An Act for the relief of N. B. McClelland."

Rules suspended and bill read the first time.

On motion of Mr. Posey, the rules were further suspended, and Senate bill No. 257 read the second time and ordered to its third reading.

On motion of Mr. J. F. McKee, the rules were further suspended, Senate bill No. 257 read the third time, passed, and its title was agreed to.

Mr. Posey moved a suspension of the rules to take up a bill (House bill No. 521), to be entitled "An Act to prohibit the sale,

or otherwise disposing of spirituous, or vinous liquors, within two miles of Florence Male and Female High School, in Williamson county, Texas."

Rules suspended and bill read the first time.

On motion of Mr. Posey, the rules were further suspended, House bill No. 521 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Posey, the rules were further suspended, House bill No. 521 read the third time, passed and its title was agreed to.

Mr. Plumley moved a suspension of the rules to take up out of its regular order House bill No. 332, to be entitled "An Act to incorporate the Germania Club of the city of Galveston."

Rules suspended and bill read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Franks, the rules were further suspended, House bill No. 332 read the third time and passed and its title was agreed to.

Mr. Harn moved a suspension of the rules to take up out of its regular order Senate substitute for House bill No. 466, to be entitled "An Act to change the gauge of the Brazos Branch Railroad, extend the time of construction, erect a telegraph line and to permit the company to extend their line of road."

Rules suspended and bill read the first time.

On motion of Mr. Harn, the rules were further suspended and Senate substitute for House bill No. 466 read the second time and ordered to its third reading.

On motion of Mr. Harn, the rules were further suspended, Senate substitute for House bill No. 466 read the third time and passed by the following vote, the yeas and nays having been called for by Messrs. Camp, York and Locke:

Yeas—Messrs. Austin, Abney, H. R. Allen, Richard Allen, Becton, Burley, Booty, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Johnson, Jenkins, Kyle, Kendall, Lacy, Locke, Lyons, Henry Moore, Morris, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Miller, Posey, Plumley, Prissick, Robb, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stockbridge, Tinsley, Weaver of Hunt, R. Williams, B. F. Williams, York, Youngkin, Zapp, Zoeller—55.

Nays—Messrs. Ellis, Lane, Ross, Schlickum, Shelburne—5.

The title of the bill was agreed to.

Mr. Johnson moved a suspension of the rules to take up out of its regular order Senate bill No. 100, to be entitled "An Act for the relief of A. H. Cook."

Rules suspended and bill read the first time.

On motion of Mr. Jenkins the rules were further suspended and Senate bill No. 100 read the second time.

On motion of Mr. Jenkins the rule requiring bills making appropriations to be considered in Committee of the Whole, was suspended in this case, and the bill was ordered to its third reading.

On motion of Mr. Cooper the rules were further suspended and Senate bill No. 100 read the third time and passed by the following vote:

Yeas—Messrs. Austin, Abney, H. R. Allen, Richard Allen, Jo. Abbott, Burley, Burnett, Chambers, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Lyons, Henry Moore, Morris, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Miller, Posey, Pierson, Plumley, Prissick, Robb, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stinman, Stockbridge, Shelburne, Tegener, Tinsley, S. S. Weaver, R. Williams, B. F. Williams, York, Youngkin, Zapp, Zoeller—60.

Nays—Mr. Grothaus.

The title of the bill was agreed to.

A message was received from the Senate transmitting enrolled House bills Nos. 49, 79, 152, 166, 195, 383, 433, 477, 480 and 483, announcing that the President of the Senate had signed the same in open session.

Mr. Slaughter moved a suspension of the rules to take up out of its regular order House bill No. 219, to be entitled "An Act to incorporte the Neches and Angelina Rivers Navigation Company."

Rules suspended and bill read the second time.

The following amendments, recommended by the Committee on Internal Improvements, were adopted:

Add to the end of section fourteen the following, viz: "The words materially improved, as used in this section, shall be construed to mean that the work to be performed by the company shall render good and safe navigation where said streams, at a medium stage of water, could not be navigated by the kind of vessels and water craft herein required to pay toll as aforesaid.'

Strike out section seventeen and substitute section sixteen therefor, and the following for section sixteen:

"SEC. 16. That this act shall not operate to deprive any person, or corporation of persons, of any rights or franchises (not fortified by the terms of the charter granting such rights and franchises) which may have been conferred by any previous act of the Legislature."

On motion of Mr. Burnett section one was amended by inserting the name of "E. Randall" as one of the incorporators.

Mr. Sinclair moved to strike out the word "Neches" wherever it occurs in the bill.

The hour having arrived for the consideration of business as provided for in resolution adopted July 2, Mr. Slaughter moved a postponement of the same until the bill now under consideration is disposed of, upon which motion the yeas and nays were called for by Messrs. Richard Allen, Sinclair and Franks, and resulted as follows:

Yeas—Messrs. Burley, Burnett, Cotton, Camp, Dupree, Kendall, Henry Moore, Mullins, Plumley, Prissick, Robinson, Schutze, Slaughter, Tinsley, Williams of Walker—15.

Nays—Messrs. Austin, C. L. Abbott, H. R. Allen, R. Allen, Jo. Abbott, Becton, Booty, Chambers, Cooper, Ellis, Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Lacy, Lane, McLean, Mitchel, Medlock, Miller, Posey, Pierson, Robb, Schlickum, Schlotman, Sheriff, Simmons, Sinclair, Smyth, Stirman, Stockbridge, Shelburne, Tegener, Weaver of Hunt, Weaver of Johnson, Williams of Walker, York, Youngkin—45.

So the regular order of business was not postponed.

Mr. Cooper was excused from further attendance for the day, on account of sickness.

Mr. Sinclair, Chairman of Committee of Free Conference on Senate bill No. 2, entitled "An act to incorporate the Jefferson and Shreveport Railroad Company," etc., submitted the following report:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee of Free Conference to whom was referred Senate bill No. 2, entitled "An Act to incorporate the Jefferson and Shreveport Railroad Company, to provide the ways and means for constructing and maintaining their road and to authorize the sale of said road and the acquisition by the company of other road or roads," have had the same under consideration, and have agreed upon the following report:

First. The Senate to concur in House amendment to section three, in line twenty, by filling a blank with the words "five or more."

Second. That section one, line eight, be amended by striking out the word "perpetual;" also amend line nine by striking out the

word "succession" and insert in lieu of these words in lines eight and nine of section three the words "ninety-nine years."

Very respectfully,

E. B. PICKETT,
W. A. SAYLOR,
Committee on part of Senate.
WM. H. SINCLAIR,
C. D. MORRIS,
E. P. BECTON,
Committee on part of House.

On motion of Mr. Sinclair, the report and the amendments recommended by the committee were adopted, and the Senate notified of the action of the House.

By leave, Mr. McLean offered the following resolution:

Resolved by the House of Representatives of the Legislature of Texas, That the Speaker of the House and the chief clerk be authorized to remain at the Capitol for twenty days after adjournment, for the purpose of finishing up the journals of the House; and that the Speaker be empowered to employ as many clerks, not to exceed three, as may be necessary to carry out the objects of this resolution, and the same amount of pay shall be allowed out of the contingent appropriation as is allowed for services during the present session to the Speaker and clerks of the House, and the same shall be paid by the Treasurer upon the certificate of the Speaker, attested by the chief clerk.

Resolution read the first and second times.

On motion of Mr. Grothaus the resolution was amended by striking out the words "twenty days," and inserting in lieu thereof the words, "thirty days."

The question recurring on the adoption of the resolution as amended, it was adopted.

Senate bill No. 356, to be entitled, "An Act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature," was read the first time.

On motion of Mr. Franks the rules were further suspended, and Senate bill No. 356 read the second time.

On motion of Mr. Franks the rule requiring all bills making appropriations to be considered in Committee of the Whole, was suspended in this case, and the bill was ordered to its third reading.

On motion of Mr. Franks the rules were further suspended, Senate bill No. 356 read the third time, and passed by the following vote:

Yeas—Messrs. C. L. Abbott, H. R. Allen, Richard Allen, Becton, Burley, Booty, Burnett, Cotton, Camp, Cox, Dupree, Davis, Dorris,

Franks, Gaston, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Kendall, Lane, Locke, Lyons, Morrison, Henry Moore, Morris, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Miller, Plumley, Prissick, Robb, Schlickum, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, R. Williams, J. C. Weaver, B. F. Williams, York, Zapp, Zoeller—54.

Nays—Messrs. Austin, Jo. Abbott, Ellis, Jenkins, Kyle, Ross, Simmons, Smyth, Shelburne, S. S. Weaver—10.

The title of the bill was agreed to.

Senate bill No. 354, to be entitled "An Act supplemental to 'An Act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for the fiscal year ending August 31, 1870,'" was read the first time.

On motion of Mr. Haswell the rules were further suspended and Senate bill No. 354 read the second time.

On motion of Mr. Franks the rule requiring all bills making appropriations to be considered in Committee of the Whole, was suspended in this case, and the bill was ordered to its third reading.

On motion of Mr. Franks the rules were further suspended, Senate bill No. 354 read the third time and passed by the following vote:

Yeas—Messrs. C. L. Abbott, H. R. Allen, R. Allen, Becton, Booty, Burnett, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gardiner, Grothaus, George, Harn, Hamilton, Haswell, Johnson, Kendall, Lacy, Lyons, Henry Moore, Morris, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Miller, Plumley, Robb, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Williams of Colorado, York, Youngkin, Zapp—53.

Nays—Messrs. Austin, Jo. Abbott, Gaston, Jenkins, Kyle, Smyth, Shelburne—7.

The title of the bill was agreed to.

Mr. Franks moved a suspension of the rules to take up, out of its regular order, House bill No. 347, to be entitled "An Act to enforce the attendance of witnesses in all cases where the State of Texas is a party."

Rules suspended, House bill No. 347 read the second time, and ordered to be engrossed and read the third time.

On motion of Mr. Jenkins the rules were further suspended and House bill No. 347 read the third time.

On motion of Mr. Jenkins section one was amended by striking out the words "er in all cases whereof the State of Texas is a party."

On motion of Mr. Jenkins section two was amended by striking out the words "in all misdemeanors, and in all other cases, fifty dollars."

The bill then passed, and its title, after being amended by striking out the words "cases whereof the State of Texas is a party," and inserting in lieu thereof the words "felony cases," was agreed to.

Mr. Cox, from the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have the honor to report that they have this day presented to the Governor for signature the following bills: House bills Nos. 152, 480, 483, 477, 79, 383, 433. 195, 166, 49.

Respectfully,
A. M. COX,
For the committee.

Report accepted.

By leave, Mr. Steckbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee, to whom was referred House bill No. 87, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman.

Report accepted.

On motion of Mr. Johnson, the House, at 12:20 o'clock, P. M., adjourned until 4 o'clock this afternoon.

AFTERNOON SESSION.

4 O'CLOCK, P. M.

House met pursuant to adjournment. Roll called; no quorum present.

Mr. J. F. McKee moved a call of the House.

Call sustained.

Absent—Messrs. C. L. Abbott, Jo. Abbott, Burley, Chambers, Cole, Camp, Ellis, Franks, Gardiner, Hughes, Hamilton, Haswell, Johnson, Kyle, Kendall, Leonard, Lyons, Morrison, McLean, R. L. Moore, Posey, Robb, Ross, Schlotman and Smyth.

On motion of Mr. Jenkins the Sergeant-at-Arms was dispatched for the absentees.

Mr. R. Allen moved that the House adjourn until 8:30 P. M. Lost.

Mr. B. F. Williams moved that the House adjourn until 9 o'clock A. M., to-morrow. Lost.

Mr. Robinson moved a suspension of the call of the House. Lost.

On motion of Mr. Plumley the call of the House was suspended.

On motion of Mr. Plumley the rules were suspended to take up Senate bills in their regular order.

Senate bill No. 18, to be entitled "An Act to incorporate the Dallas Bridge Company," was read the first time.

On motion of Mr. Lane the rules were further suspended and Senate bill No. 18 was read the second time.

On motion of Mr. Lane the further consideration of the bill was indefinitely postponed.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have examined and find correctly enrolled House bills Nos. 13, 53, 86, 116, 132, 150, 315 and 446.

WILLIS G. ROBINSON, Chairman.

Report accepted.

On motion of Mr. Sinclair, the Sergeant-at-Arms was ordered to arrest and bring to the bar of the House those who had absented themselves.

The Sergeant-at-Arms brought Mr. Sheriff to the bar of the House.

On motion of Mr. Schutze, he was released from arrest.

Mr. Plumley moved that the Sergeant-at-Arms be instructed to not permit any members to absent themselves without leave. Carried.

Senate bill No. 19, to be entitled "An Act to incorporate the Cedar Creek Bridge Company," was read the first time.

Rules further suspended, Senate bill No. 19 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 19 read the third time, passed, and its title was agreed to.

Senate bill No. 28, to be entitled "An Act for the relief of the heirs of James B. Holman, deceased," was read the first time.

Rules further suspended, Senate bill No. 28 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 28 read the third time, passed, and its title was agreed to.

Senate bill No. 30, to be entitled "An Act to incorporate the Home Insurance Company, of Houston, Texas," was read the first time.

Rules further suspended, Senate bill No. 30 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 30 read the third time, passed, and its title was agreed to.

Senate bill No. 47, to be entitled "An Act to amend an act to incorporate the Houston and Great Northern Railroad Company," was read the second time, and on motion of Mr. Richard Allen the bill was laid on the table.

Senate bill No. 59, to be entitled "An Act to incorporate the Sabine and Neches Mutual Insurance Company," was read the first time.

Rules further suspended, Senate bill No. 59 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 59 read the third time, passed, and its title was agreed to.

Senate bill No. 60, to be entitled, "An Act to incorporate the city of Sabine Pass, in Jefferson county," was read the first time.

Rules further suspended, Senate bill No. 60 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 60 read the third time, passed, and its title was agreed to.

Senate bill No. 24, to be entitled "An Act to make valid the official acts of certain surveyors," was read first time.

Rules further suspended, Senate bill No. 24 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 24 read the third time, passed and its title was agreed to.

Senate bill No. 46, to be entitled "An Act to repeal an act approved January 14, 1860, entitled "An Act to authorize and require the clerks of the District Courts of Cherokee, Smith, Anderson, Panola and Angelina counties to apportion the causes on the docket of said courts in words and figures,'" was read the first time.

Rules further suspended, Senate bill No. 46 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 46 read the third time, passed and its title was agreed to.

Senate bill No. 65, to be entitled "An Act to incorporate the Austin City Ice Company," was read the first time.

Rules further suspended, Senate bill No. 65 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 65 read the third time, passed and its title was agreed to.

Senate bill No. 69, to be entitled "An Act to incorporate the Kaufman County Bridge Company," was read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 69 read the third time, passed and its title was agreed to.

Senate bill No. 73, to be entitled "An Act to incorporate the Austin Joint Stock Company," was read the first time.

Rules further suspended, Senate bill No. 73 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 73 read the third time, passed and its title was agreed to.

Senate bill No. 76, to be entitled "An Act to authorize the police court of Washington county to levy a special tax for building a jail at the county seat," was read the first time.

Rules further suspended, Senate bill No. 76 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 76 read the third time, passed and its title was agreed to.

Senate bill No. 78, to be entitled "An Act concerning the levy of taxes for Bexar county," was read the first time.

Rules further suspended, Senate bill No. 78 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 78 read the third time, passed and its title was agreed to.

Senate bill No. 83, to be entitled "An Act to incorporate the Cat Spring Social Turn Verein," was read the first time.

Rules further suspended, Senate bill No. 83 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 83 read the third time, passed and its title was agreed to.

Substiiute for Senate bill No. 93 to be entitled "An Act for the improvement of the navigation of the Colorado river," was read the first time.

Rules further suspended, substitute for Senate bill No. 93 read the second time and ordered to its third reading.

Rules further suspended, substitute for Senate bill No. 93 read the third time, passed and its title was agreed to.

Substitute for Senate bill No. 97, to be entitled "An Act for the relief of W. B. Price," was read the third time and passed by the following vote:

Yeas—Messrs. Austin, C. L. Abbott, H. R. Allen, Richard Allen, Becton, Burley, Booty, Chambers, Cotton, Camp, Dupree, Davis, Gaston, Grothaus, George, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Lyons, Morrison, Henry Moore, Medlock, Miller, Pierson, Plumley, Prissick, Robb, Schlotman, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Tinsley, S. S. Weaver, R. Williams, J. C. Weaver, B. F. Williams, York, Zapp—47.

Nays—Messrs. Abney, Jo. Abbott, Burnett, Bonner, Cox, Locke, J. F. McKee, Mitchel, Mullins, Robinson, Schlickum, Shelburne, Zoeller—13.

The title of the bill was agreed to.

Senate bill No. 107, to be entitled "An Act to incorporate the Pine Island Bayou Bridge Company," was read the first time.

Rules further suspended, Senate bill No. 107 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 107 read the third time, passed and its title was agreed to.

Senate bill No. 112, to be entitled "An Act providing for levying a special tax in Caldwell county for the purpose of relieving the county from indebtedness, and building a jail," was read the first time.

Rules further suspended, Senate bill No. 112 read the second time, and, on motion of Mr. Grothaus, was laid on the table.

Senate bill No. 119, to be entitled "An Act to incorporate the New Anhald Manufacturing Company," was read the first time.

Rules further suspended, Senate bill No. 119 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 119 read the third time, passed, and its title was agreed to.

Senate bill No. 124, to be entitled "An Act to incorporate the Cuero Bridge Company," was read the first time.

Rules further suspended, Senate bill No. 124 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 124 read the third time, passed, and its title was agreed to.

Mr. B. F. Williams was excused from attendance for the remainder of the present session.

Senate bill No. 125, to be entitled "An Act to amend the ninth section of an act entitled 'An Act to amend the charter of the town of Goliad,'" was read the first time.

Rules further suspended, Senate bill No. 125 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 125 read the third time, passed, and its title was agreed to.

Senate bill No. 141, to be entitled "An Act to incorporate Victoria Fire Company No. 1," was read the first time.

Rules further suspended, Senate bill No. 141 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 141 read the third time, passed, and its title was agreed to.

Senate bill No. 145, to be entitled "An Act to incorporate the Railroad, Real Estate, Building and Savings Association of Texas," was read the first time.

Rules further suspended, Senate bill No. 145 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 145 read the third time, passed, and its title was agreed to.

Senate bill No. 160, to be entitled "An Act amendatory of and supplementary to an act entitled 'An Act to incorporate the Young Men's Real Estate and Building Association,' approved November 6, 1866," was read the first time.

Rules further suspended, Senate bill No. 160 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 160 read the third time, passed, and its title was agreed to.

Senate bill No. 164, to be entitled "An Act to incorporate the Navasota Insurance Company," was read the first time.

Rules further suspended, Senate bill No. 164 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 164 read the third time, passed and its title was agreed to.

Senate bill No. 169, to be entitled "An Act to incorporate the Comal Cemetery Association," was read the first time.

Rules further suspended, Senate bill No. 169 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 169 read the third time, passed and its title was agreed to.

Senate bill No 171, to be entitled "An Act to incorporate the Houston Hebrew Benevolent Society," was read the first time.

Rules further suspended, Senate bill No. 171 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 171 read the third time, passed, and its title was agreed to.

Senate bill No. 174, to be entitled "An Act to incorporate the Kemper City Bridge Company," was read the first time.

Rules further suspended, Senate bill No. 174 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 174 read the third time, passed and its title was agreed to.

Senate bill No. 178, to be entitled "An Act to incorporate the San Antonio Shooting Company," was read the first time.

Rules further suspended, Senate bill No. 178 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 178 read the third time, passed and its title was agreed to.

Senate bill No. 180, to be entitled "An Act for the relief of Cain T. Brush," was read the first time.

Rules further suspended, Senate bill No. 180 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 180 read the third time, passed and its title was agreed to.

Senate bill No. 183, to be entitled "An Act to incorporate the Callahan Cotton Seed Oil Manufacturing Company, of Hempstead, Texas," was read the first time.

Rules further suspended, Senate bill No. 183 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 183 read the third time, passed, and its title was agreed to.

Senate bill No. 208, to be entitled "An Act to incorporate the Gymnastic Association of New Braunfels," was read the first time.

Rules further suspended, Senate bill No. 208 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 208 read the third time, passed, and its title was agreed to.

Senate bill No. 209, to be entitled "An Act to incorporate the East Texas Cotton, Woolen and Cotton Seed Oil Manufacturing Company," was read the first time.

Rules further suspended, Senate bill No. 209 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 209 read the third time, passed, and its title was agreed to.

Substitute for Senate bill No. 210, to be entitled "An Act to

prohibit the sale of intoxicating or spirituous liquors within the immediate vicinity of Caddo Grove Seminary," was read the first time.

Rules further suspended, substitute for Senate bill No. 210 read the second time and ordered to its third reading.

Rules further suspended, substitute for Senate bill No. 210 read the third time, passed, and its title was agreed to.

Senate bill No. 217, to be entitled "An Act to incorporate the Houston and San Jacinto Canal and Navigation Company," was read the first time.

Rules further suspended, Senate bill No. 217 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 217 read the third time, passed, and its title was agreed to.

Senate bill No. 221, to be entitled "An Act to incorporate the Saving and Trust Company of Texas," was read the first time.

Rules further suspended, Senate bill No. 221 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 221 read the third time, passed, and its title was agreed to.

Senate bill No. 226, to be entitled "An Act to incorporate the Navasota, Washington and Brazos Bridge Company," was read the first time.

Rules further suspended; Senate bill No. 226 read the second time and ordered to its third reading.

Rules further suspended; Senate bill No. 226 read the third time, passed, and its title was agreed to."

Senate bill, No. 244, to be entitled "An Act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Starrville Female High School," was read the first time.

Rules further suspended, Senate bill No. 244, was read the second time, and ordered to its third reading.

Rules further suspended, Senate bill No. 244 read the third time, passed, and its title was agreed to.

Senate bill No. 249, to be entitled "An Act to incorporate the Young Men's Beneficial Club of Harris county," was read the first time.

Rules further suspended, Senate bill No. 249 read the second time, and ordered to its third reading.

Rules further suspended, Senate bill No. 249 read the third time, passed, and its title was agreed to.

Senate bill No. 259, to be entitled "An Act to establish and incorporate the Beneficial Society of Galveston," was read the first time.

Rules further suspended, Senate bill No. 259 read the second time, and ordered to its third reading.

Rules further suspended, Senate bill No. 259 read the third time, passed, and its title was agreed to.

Substitute for Senate bill No. 261, to be entitled "An Act to incorporate the Acton Masonic Institute," was read the first time.

Rules further suspended, substitute for Senate bill No. 261 read the second time and ordered to its third reading.

Rules further suspended, substitute for Senate bill No. 261 read the third time, passed, and its title was agreed to.

Senate bill No. 264, to be entitled "An Act for the relief of the heirs of Lynn Bobo," deceased, was read the first time.

Rules further suspended, and Senate bill No. 264 read the second time.

On motion of Mr. Sinclair, the rule requiring all bills making appropriations to be considered in Committee of the Whole, was suspended, and the bill was ordered to its third reading.

Rules further suspended, Senate bill No. 264 read the third time, and the House refused to pass the bill by the following vote:

Yeas—Messrs. Austin, H. R. Allen, Becton, Burley, Booty, Cotton, Camp, Jenkins, Kyle, Miller, Posey, Ross, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stockbridge, Tegener, Tinsley, Weaver of Hunt, Zapp—22.

Nays—Messrs. Abney, Abbott of Austin, Richard Allen, Abbott of Hill, Burnett, Bonner, Cox, Dupree, Davis, Dorris, Gaston, Grothaus, George, Harn, Hamilton, Kendall, Lacy, Lane, Locke, Lyons, Morrison, Moore of Harrison, Morris, McKee of Guadalupe, Mitchel, Mullins, Medlock, Pierson, Plumley, Prissick, Robb, Robinson, Schlickum, Schlotman, Stirman, Shelburne, Williams of Walker, Weaver of Johnson, York, Youngkin—40.

Mr. Slaughter moved a reconsideration of the vote by which the House adopted the rule ordering the Sergeant-at-Arms to allow no member to pass out of the House without permission.

Mr. Sinclair moved to lay the motion to reconsider on the table, upon which motion the yeas and nays were called for by Messrs. Slaughter, R. Allen and Davis, and resulted as follows:

Yeas—Messrs. Abney, R. Allen, H. R. Allen, Abbott of Hill, Becton, Booty, Cotton, Dupree, Davis, Gaston, Grothaus, Hughes, Harn, Hamilton, Jenkins, Kyle, Kendall, Lacy, Lane, Locke, Morrison, J. F. McKee, Medlock, Posey, Plumley, Prissick, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Sinclair, Shelburne, Tinsley, Weaver of Hunt, Williams of Walker, Weaver of Johnson, Youngkin, Zapp, Zoeller—40.

Nays—Messrs. Austin, Abbott of Austin, Burley, Burnett,

Bonner, Camp, Cox, Dorris, Lyons, Moore of Harrison, Morris, Mitchel, Mullins, Miller, Pierson, Robb, Robinson, Ross, Slaughter, Smyth, Stirman, Stockbridge, Tegener, York—24.

So the motion to reconsider was laid on the table.

Mr. Morris moved to adjourn. Lost.

Mr. Morrison moved a reconsideration of the vote, by which the House passed Senate bill No. 69, to be entitled "An Act to incorporate the Kaufman County Bridge Company."

Vote reconsidered.

The following amendment, recommended by the Committee on Roads, Bridges and Ferries, was then adopted:

That section three be amended to read as follows:

"For each additional pair of horses, mules or oxen, ten cents; for each additional horse or mule to single buggy, five cents; for each loose horse, mule, jack or other animal, three cents; for each one horse buggy or other carriage, twenty-five cents; for each head neat cattle, three cents."

The bill (Senate bill No. 69) then passed and its title was agreed to.

On motion of Mr. Lane, the House, at 6 o'clock P. M., adjourned until 8:30 this evening.

EVENING SESSION.

8:30 o'Clock P. M.

House met pursuant to adjournment; roll called, no quorum present.

Mr. Grothaus moved a call of the House.

Call sustained.

Absent—Messrs. Austin, Abney, Bonner, Franks, Haswell, Johnson, Miller, C. L. Abbott, Harn and Schlotman.

Messrs. Harn, C. L. Abbott and Schlotman were excused from attendance for the evening.

On motion of Mr. Zoeller the Sergeant-at-Arms was dispatched for the absentees.

Quorum present.

On motion of Mr. Morrison the call was suspended.

By leave Mr. Morrison, Chairman *pro tem.* of the Committee on Penitentiary, submitted the following report:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Penitentiary, to whom was referred

House bill No. 498, entitled. "An Act to authorize the Governor of the State to make arrangements for the reception and confinement of Federal prisoners in the prisons of the State," have had the same under consideration, and respectfully report the same back to the House, and recommend its passage.

Respectfully,

JOHN H. MORRISON,
Chairman.

Mr. Sinclair moved a suspension of the rules to take up the bill just reported, House bill No. 498, to be entitled, "An Act to authorize the Governor of the State to make arrangements for the reception and confinement of Federal prisoners in the prisons of the State."

Rules suspended and House bill No. 498 read the second time, ordered to be engrossed and read the third time.

On motion of Mr. Morrison the rules were further suspended, House bill No. 498 read the third time, passed, and its title was agreed to.

By leave Mr. Stockbridge, Chairman of the Committee on Engrossed bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom House bills Nos. 221, 239, 316, 332, 347, 476, 518, 519, 526 and 521 have been referred, having duly examined and compared have the honor to report back the same, as correctly engrossed.

Very respectfully, STOCKBRIDGE,
Chairman.

Report accepted.

Mr. Schutze, Chairman of the Committee of Free Conference, submitted the following report:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee of Conference, with a similar one of the Senate, to whom was referred House bill No. 511, "An Act for the assessment and collection of taxes," have duly considered the same, and respectfully recommend the passage of said bill with the amendments hereunto annexed.

Very respectfully,

JULIUS SCHUTZE,
Chairman of House Committee.

Amend as follows: Strike out section one, and insert the following as a substitute:

"SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the justices of the peace of the several counties of this State shall be the assessors of taxes in their respective precincts, under such rules and regulations as may be prescribed by law."

Strike out section two, down to the words "and I do," in fifth line, and insert the following in lieu thereof: "that every justice of the peace shall, within ten days after he has received notice of his election, in addition to the bond and oath required for the performance of his other duties as justice of the peace, give a bond payable to the State of Texas in a penalty of two thousand dollars, with at least three good and sufficient sureties, to be approved by the district judge of his county; and shall also take and subscribe the following oath." Also, strike out in line eleven, section two, the words "or appointed." Also, strike out in line seventeen of same section the word "court," and insert in lieu thereof the word "judge." Also, line twenty-four, section two, strike out all after the words "official term," and insert in lieu thereof the following: "and in case of the removal of the district judge, the cause thereof and order of removal shall be entered on the minutes of the court."

Strike out in line two, section four, the words "and with the consent of the district court;" and in line three, same section, strike out the words "approved by the court."

Section five, line seven, strike out all after the word "shall," and insert the following: "be subject to a fine of fifty dollars on indictment or information in the district court."

Section eight, line two, strike out the words "or county court," and insert in lieu thereof the word "judge."

Section eleven, line six, strike out all after the word "failure," and insert the following: "be subject to a fine of fifty dollars on indictment or information in the district court."

Section twenty-two, line thirteen, strike out all after the word "shall," and insert the following: "be subject to a fine of fifty dollars on indictment or information in the district court."

Strike out all of sections thirty-four, thirty-five, thirty-six, thirty-eight and thirty-nine, and the words "income and salary" in sections forty, forty-one and forty-five, and wherever they occur in the bill.

In section thirty-seven, strike out lines twenty-one and twenty-two.

Section forty-five, lines two and three, strike out the words "tax or schedule for the assessment of the income, salary or poll," and insert the words "and poll;" and in line twenty-three, same section, strike out the words "and schedule."

Strike out sections forty-seven, forty-eight, forty-nine, fifty, fifty-one and fifty-two, and insert the following as a substitute for section fifty-one, viz:

"SEC. 51. Every railroad, canal or navigation company shall hereafter report quarterly on the 15th days of March, June, September and December in each year, to the Comptroller of Public Accounts, the gross amount received by such company for the transportation of freight and passengers over such road or canal, or any part thereof, during the quarter of the year next preceding the first day of the month in which such report is made, and, at the time of making such reports, shall pay into the State Treasury two per cent. of such gross amount received in compliance with section three of 'An Act to levy taxes.'"

Section fifty-five, line two, strike out the word "forfeit," and insert the words "be subject to a fine of;" and in section fifty-eight, line five, and section sixty-two, line two, make the same amendment.

Section sixty-nine, line one, strike out the words "each book, and of the schedules of income, salary, occupation and poll tax," and insert in lieu thereof the words "of the land book, and one copy of the books of personal property and poll tax."

Section seventy, line three, strike out the word "two" and insert one;" also strike out in line five, same section, the words "and schedule of income, salary and poll tox."

Section seventy-six. line three, strike out the word "forfeit" and insert the words "to be subject to a fine of."

Section eighty-eighth, line two, strike out "county court," and insert "district judge;" also, in line three, same section, strike out "court" and insert "judge;" also, strike out all of said section after the words "justices of the peace," in line seven.

Section ninety-five, strike out lines one, two and three and insert, at the beginning of the section, "The sheriff in each county in addition to," etc.

Section ninety-nine, line seven, strike out "county" and insert "district;" also, in section one hundred and twenty-seven, line three, make same amendment, and in line ten, section one hundred and twenty-seven, strike out "damages" and insert "penalty."

Amend section one hundred and thirty-two by adding, "for repairing to the capitol to settle his accounts with the State Comptroller, mileage at the rate of twenty (20) cents per mile going and returning."

Add, after section one hundred and thirty-four, an additional section to read as follows: "That the sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the

purchase of blanks, and contingencies necessary to carry this act into effect."

Mr. Schutze moved a suspension of the rules for the consideration of the report of the Committee of Free Conference and House bill No. 511, to be entitled "An Act for the assessment and collection of taxes."

Rules suspended and the amendments, recommended by the Committee of Free Conference, were adopted and House bill No. 511 was ordered to be engrossed and read the third time.

On motion of Mr. Schutze the rules were further suspended, House bill No. 511 read the third time, passed, and its title was agreed to.

Mr. McLean moved a suspension of the rules to take up House bill No. 454, to be entitled "An Act providing for the appointment of public weighers of cotton and wool within the State of Texas, and prescribing the fees and duties thereof," which was returned from the Senate with amendments.

Rules suspended and the House disagreed to the following Senate amendments:

Amend section three, second line, after "wool," strike out "brought into and."

Amend by striking out "sections eight, nine and ten."

Amend by striking out all after the word "Houston," line six, section one.

After the word "Houston," in section one, line four, insert "Calvert and the terminus of the Houston and Texas Central Railroad."

Amend section eleven, line three, by striking out the word "fifteen" and insert the word "ten."

Amend by adding at the end of section eleven, the words "provided, when any cotton bale or other package has once been weighed by a public weigher, the same shall not be weighed by any other public weigher in this State."

Amend section one by adding after the word "appoint," in line two, the words "by and with the advice and consent of the Senate."

Amend section three, line one, by inserting after the word "cotton," when called upon by the seller or purchaser."

Mr. Plumley moved that a Committee of Free Conference be appointed on House bill No. 454, to confer with a like committee of the Senate.

Carried.

The Speaker appointed Messrs. Plumley, Harn, R. Allen, McLean and Jenkins such committee.

A messenger was dispatched to the Senate with enrolled House bills Nos. 13, 53, 86, 116, 132, 150, 315 and 446; also, with House bill No. 87; also, with Senate bills Nos. 19, 24, 28, 30, 46,

59, 60, 65, 73, 76, 78, 83, 100, 107, 119, 124, 125, 141, 145, 160, 164, 169, 171, 174, 178, 180, 183, 208, 209, 217, 221, 226, 249, 257, 259, 264, 279, 354 and 356; and with Nos. 69 and 196, with amendments; also, with substitutes for Senate bills Nos. 93, 97, 210, 244, and 261; and also with Senate substitute for House bill No. 466, which the House has passed.

A message was received from the Senate transmitting House bills Nos. 269 and 309, and 381 with amendments, which the Senate has passed; also, announcing that the Senate had concurred in amendments recommended by Committee of Free Conference on House bill No. 2; and also transmitting enrolled Senate bills Nos. 8, 29, 32, 34, 45, 51, 248, 218, 232, 246, 260, 325, 299, 350, 352, 351, which were presented to the Speaker, signed by him in open session and returned to the Senate.

Mr. Grothaus moved a suspension of the rules to take up House bill No. 381, to be entitled "An Act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box," just returned from the Senate with amendment.

Rules suspended and the House agreed to the following Senate amendment:

Amend section one, line two, by striking out the words "a general," before the word "election," and insert in lieu thereof the word "an."

Mr. Posey moved a suspension of the rules to take up House bill No. 211.

Lost.

Under resolution adopted August 4, Mr. Stirman called up Senate bill No. 296, to be entitled "An Act declaring that the time between the date of the so-called ordinance of secession, and the date of the acceptance by the Congress of the United States of the State Constitution, shall not be counted or reckoned against railroad companies."

The following amendment, recommended by the Judiciary Committee, was adopted:

Amendment to come in at end of first section:

"Provided, that nothing herein contained shall be so construed as to relieve any railroad company from payment of its debt to the school fund, as prescribed by law."

On motion of Mr. McLean, section one was amended by adding the following to the proviso:

"Nor shall this act be so construed as to revive the loan of the Common School fund to railroad companies; and provided further, that this act shall not be construed to revive any grant or grants

of land in favor of said corporations, if such grants are prohibited by the constitution of this State; but they shall be entitled to such grants as are provided for in their charters and laws of the State, if it shall be decided judicially that the same are constitutional."

Mr. Burnett moved to reject the bill, upon which motion the yeas and nays were called for by Messrs. Burnett, McLean and R. Allen, and resulted as follows:

Yeas—Messrs. Speaker, Richard Allen, Burnett, Cotton, Cox, Dupree, Dorris, Gardiner, Grothaus, George, Hamilton, Kendall, Locke, Morrison, Henry Moore, Mitchel, Mullins, Medlock, Posey, Prissick, Robinson, Schlickum, Schutze, Stockbridge, Tegener, R. Williams, Youngkin, Zapp, Zoeller—29.

Nays—Messrs. H. R. Allen, Jo. Abbott, Becton, Burley, Booty, Chambers, Camp, Ellis, Gaston, Hughes, Jenkins, Kyle, Lacy, Lane, Lyons, McLean, Pierson, Plumley, Robb, Ross, Sheriff, Simmons, Sinclair, Slaughter, Smyth, Stirman, Shelburne, Tinsley, Weaver of Hunt, Weaver of Johnson, York—31.

So the House refused to reject the bill.

The bill was then ordered to its third reading.

[Special Order.]

The hour for the consideration of the special order of the evening having arrived, viz: House bill No. 505, to be entitled "An Act to change the county line between the counties of Bexar and Medina," and the question being "Will the House reconsider the vote by which it passed House bill No. 505?" the yeas and nays were called for by Messrs. Zoeller, Schlickum and Locke, and upon the roll being called it was found that there was no quorum present.

On motion of Mr. Zoeller, the House, at 10 o'clock P. M., adjourned until 9 o'clock A. M., to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, August 13, 1870.

House met pursuant to adjournment; Speaker Evans in the Chair. Roll called; no quorum present.

Mr. Weaver of Hunt was excused from attendance on account of sickness.

On motion of Mr. Zoeller, the Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Camp, the call of the House was suspended.

Quorum present.

Messrs. Locke and Tinsley were excused from attendance for the remainder of the session.

On motion of Mr. Becton, the reading of yesterday's journal was dispensed with.

Mr. Tinsley moved a suspension of the rules to take up out of its regular order Senate bill No. 359, to be entitled "An Act to incorporate the Rusk and Harrison County Railway Company."

Rules suspended and Senate bill No. 359 was read the first time; rules further suspended, Senate bill No. 359 read the second time, and ordered to its third reading; rules further suspended, Senate bill No. 359 read the third time, passed, and its title was agreed to.

A message was received from the Senate, announcing that that body had receded from its amendments to House bill No. 331; also transmitting enrolled House bills, Nos. 13, 86, 116, 53, 132, 150, 315 and 446, which have been signed by the President of the Senate; and also transmitting enrolled Senate bill No. 238, which was presented to the Speaker, signed by him in open session, and returned to the Senate.

Mr. Burnett moved a suspension of the rules to take up out of its regular order a bill (House bill No. 522) to be entitled "An Act to levy taxes."

Rules suspended and bill read the first time.

A message was received from the Senate announcing that that body had passed House bill No. 511, entitled, "An Act to provide for the assessment and collection of taxes," as amended by the Committee of Free Conference;" and also transmitting Senate bills Nos. 152, 189, 269 and 361, and substitute for Senate bill No. 66, which the Senate has passed, asking the concurrence of the House in the same.

Rules further suspended and House bill No. 522 was read the second time.

On motion of Mr. Sinclair section three of the bill was stricken out.

On motion of Mr. Burnett section four was stricken out.

[Mr. McLean in the Chair.]

On motion of Mr. Evans section six, line six, was amended by striking out of the second paragraph the words, "five hundred dollars," and inserting in lieu thereof the words, "one hundred and fifty dollars."

On motion of Mr. Evans section six, line eight, was amended by striking out the words, "and less than one gallon," and inserting the words, "or more."

Mr. Morris moved to amend section six, line nine, by striking out the words, "one hundred dollars," and inserting the words "fifty dollars."

Mr. Slaughter moved to lay the amendment on the table.

Lost.

The question recurring on the adoption of the amendment it was adopted.

Mr. Morrison moved a reconsideration of the vote just taken.

On motion of Mr. Johnson the motion to reconsider was laid on the table.

Mr. Schutze moved to amend section six by striking out of line seven the word "malt," and inserting in line eight of the same section, after the words "one quart or more," the words, "and for selling beer in quantities of one pint or more."

Mr. Jo. Abbott moved to lay the amendment on the table.

Lost.

The question recurring on the adoption of the amendment, it was adopted.

Mr. Hughes moved to amend line twelve, section six, so that it will read as follows: "For every nine or ten-pin alley, within any incorporated city or town, used for profit, five hundred dollars; for any nine or ten-pin alley beyond the limits of any incorporated city or town, fifty dollars."

Amendment adopted.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOMS,
AUSTIN, Augnst 13, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have examined and find correctly enrolled House bills Nos. 84, 414, 457, 264, 289, 85, 358, 492, 493, 338, 376, 390, 438,

438, 459, 461, 463 and 467; and that House bills Nos. 116, 446, 86, 53, 150 and 132, also, "An Act to incorporate the Big Cypress Bridge Company," and "An Act to incorporate the town of Round Top," have this day been presented to the Governer for approval.

WILLIS G. ROBINSON,
Chairman.

Report accepted, and a messenger was dispatched to the Senate with enrolled House bills Nos. 84, 414, 457, 264, 289, 85, 358, 492, 493, 338, 376, 390, 438, 459, 461, 463 and 467.

A message was received from the Senate announcing that that body had concurred in the amendments recommended by the Committee of Free Conference on Senate bill No. 317.

On motion of Mr. Evans section six, line eleven, of House bill No. 522 was amended by striking out the words "fifty dollars," and inserting in lieu thereof the words twenty-five dollars."

Mr. Dorris offered the following amendment:

Amend section six, by adding the words "that nothing in this act shall apply to any one who exchanges goods, wares or merchandise for the produce of this State."

Amendment lost.

On motion of Mr. Locke section six, line thirty, was amended by striking out the words "lecture reading, or other intellectual entertainment."

Mr. Shelburne moved to amend section six, line nine, by adding the following proviso:

"Provided, that this section shall not be construed so as to include wines manufactured in this State."

Amendment adopted.

Mr. Lacy moved to amend section six by striking out lines thirty-six, thirty-seven and thirty-eight.

Lost.

Mr. Franks moved to amend section six, line thirty-six, by striking out all after the word "stable," to include the word "kept," in line thirty-eight, and inserting after the word "stable" the words "ten dollars."

Lost.

Mr. Miller moved to amend section six, line eleven, by striking out the words "pleasure or."

Lost.

On motion of Mr. Dorris section six was amended by inserting after the words "incorporated towns or cities," the words "or county sites."

Mr. Miller moved to amend section six, line twenty-six, by striking out the words "twenty-five dollars," and inserting the words "one dollar."

On motion of Mr. McKee the amendment was laid on the table.

Mr. Schutze moved to amend section six, line twenty-six, by striking out the words "twenty-five dollars," and inserting the words "five dolars."

On motion of Mr. McKee the amendment was laid on the table.

Mr. Franks moved to amend section six, lines thirty-two and thirty-three, by striking out all after the words "fifty dollars."

Amendment adopted.

On motion of Mr. Zapp section six, line thirty-one, was amended by adding the following: "entertainments for charitable purposes are excepted."

Mr. J. F. McKee moved to strike out lines thirty-four and thirty-five, in section six.

On motion of Mr. Jo. Abbott the amendment was laid on the table.

On motion of Mr. Jo. Abbott section seven was amended by striking out the words "notwithstanding the exhibition, performance or entertainment is for benevolent or charitable purposes."

On motion of Mr. Jo. Abbott section nine, line one, was amended by striking out the word "county," before the word "court," and inserting in lieu thereof the word "police."

On motion of Mr. Pierson section ten was amended by striking out all after the words "ad valorem tax," and inserting the following: "shall be made in specie, as provided in the assessment act."

Mr. Slaughter moved the previous question.

Previous question seconded.

The question occurring, "Shall the main question be now put?" the main question was ordered.

The main question being, "Shall the bill be engrossed and read the third time?" its engrossment and third reading were ordered.

Rules further suspended and House bill No. 52 was read the third time.

Mr. Miller moved to amend by striking out section six.

Lost.

The bill then passed, and its title was agreed to.

Mr. Camp offered the following resolution:

Resolved, That our co-laborer, Rev. J. A. Abney, be requested to deliver a religious address in the Hall of the House of Representatives at 8 o'clock P. M. on the fourteenth instant.

Resolution read first and second times, and on motion of Mr. Burnett it was adopted.

By leave, Mr. Cooper, Chairman of the Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred petition of citizens of Austin county, praying the legalizing of taxes ordered to be levied by military authority, for the purpose of repairing the court house and jail in said county, hereby return the same and recommend that it be laid on the table, as a bill has been introduced in the Senate covering the grounds and matter prayed for in said petition; therefore your committee ask to be discharged from further consideration of the subject.

COOPER,
Chairman of Committee.

Petition laid on the table.

A message was received from the Senate, transmitting enrolled Senate bills Nos. 2, 466, 356, 141, 97, 35, 78, 216, 279, 73, 264, 174, 100, 354, 28, 257, 169, 273 and 164, which were presented to the Speaker, signed by him in open session and returned to the Senate.

Mr. Posey moved a suspension of the rules to take up out of its regular order Senate bill No. 291, to be entitled "An Act to incorporate the Beaumont, Galveston and Coast Railway Company."

Rules suspended and bill read the first time; rules further suspended and Senate bill No. 291 was read the second time.

On motion of Mr. Posey section one was amended by inserting, after the word "succession," the words "for ninety-nine years."

The bill was then ordered to its third reading.

Rules further suspended, Senate bill No. 291 was read the third time, passed, its title agreed to, and the bill sent to the Senate.

By leave, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. IRA. H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee, to whom was referred House bill No. 498, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,

STOCKBRIDGE,
Chairman.

Report accepted and bill sent to the Senate.

Mr. Burnett moved that the House adjourn until 4:30 P. M.

Lost.

Mr. Lacy moved a suspension of the rules to take up out of its regular order House bill No. 475, to be entitled "An Act creating the office of Superintendent of Public Buildings."

Rules suspended and the bill was read the second time.

The question occurring "Shall the bill be engrossed and passed to its third reading?" the yeas and nays were called for by Messrs. Hughes, Miller and Kyle, and resulted as follows:

Yeas—Messrs. Speaker, R. Allen, Becton, Burley, Booty, Burnett, Bonner, Cooper, Cotton, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, Kendall, Lacy, Locke, Morrison, Henry Moore, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Williams of Colorado, Youngkin, Zapp, Zoeller—39.

Nays—Messrs. Austin, Abney, Abbott of Austin, Abbott of Hill, Cox, Ellis, Gaston, George, Hughes, Hamilton, Jenkins, Kyle, Lane, Lyons, McKee of Guadalupe, Miller, Robb, Simmons, Stirman, Shelburne, J. C. Weaver—21.

So the bill was ordered to be engrossed, and read the third time.

Mr. Burnett moved a suspension of the rules to take up out of its regular order, Senate bill No. 345, to be entitled "An Act to authorize the Presbyterian Church in Victoria to sell their church square."

Rules suspended, and bill read the first time; rules further suspended, Senate bill No. 345 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 345 read the third time, passed, and its title was agreed to.

Mr. Evans moved a reconsideration of the vote by which the House passed House bill No. 511, to be entitled "An Act for the assessment and collection of taxes."

Vote reconsidered.

On motion of Mr. Evans, the rule requiring bills making appropriations, to be considered in Committee of the Whole, was suspended in this case, and the bill passed by the following vote:

Yeas—Messrs. Speaker, Abney, C. L. Abbott, H. R. Allen, R. Allen, Burley, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Haswell, Johnson, Kendall, Locke, Lyons, Morrison, Henry Moore, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stirman, Stockbridge, Shelburne, Tegener, Tinsley, R. Williams, J. C. Weaver, Youngkin, Zapp, Zoeller—50.

Nays—Messrs. Austin, Jo. Abbott, Becton, Booty, Ellis, Gas-

ton, Hughes, Jenkins, Kyle, Lacy, Lane, Miller, Posey, Pierson, Robb, Simmons—16.

The title of the bill was agreed to.

Mr. Austin moved a suspension of the rules to take up out of its regular order, Senate bill No. 333, to be entitled "An Act to incorporate Lamar Female Seminary."

Rules suspended, and bill read the first time; rules further suspended, and Senate bill No. 333 read second time and ordered to its third reading.

Rules further suspended, Senate bill No. 333 read the third time, passed, and its title was agreed to.

A message was received from the Senate, transmitting Senate bill No. 327, asking the concurrence of the House in the same.

Bill passed to orders of the day.

Mr. Locke moved to take up the reconsideration of the vote by which the House passed House bill No. 505, to be entitled "An Act to change the county line between the counties of Bexar and Medina."

Carried.

Mr. Locke moved the indefinite postponement of the further consideration of the bill.

Carried.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills report that the following House bills have this day been presented to the Governor for approval, viz: Nos. 264, 376, 289, 459, 463, 84, 467, 414, 492, 461. 358, 85, 338, 493, 457 and 438,

WILLIS G. ROBINSON,
Chairman.

Report accepted.

Mr. Becton moved a suspension of the rules to take up out of its regular order Senate bill No. 309, to be entitled "An Act allowing further time for the redemption of lands sold for taxes, between March 2, 1861, and March 30, 1870."

Rules suspended and Senate bill No. 309 was read the first time; rules further suspended, Senate bill No. 309 read the second time and ordered to its third reading; rules further suspended, Senate bill No. 309 read the third time, passed, and its title was agreed to.

Mr. Sinclair moved a suspension of the rules to take up out of

its regular order Senate bill No. 308, to be entitled "An Act to incorporate the San Antonio and Rio Grande Telegraph Company."

Rules suspended and bill read the first time; rules further suspended, Senate bill No. 308 read the second time and ordered to its third reading; rules further suspended, Senate bill No. 308 read the third time, passed, and its title was agreed to, and the bill sent to the Senate.

On motion of Mr. Jo. Abbott the House at 12:30 P. M. adjourned until 8:30 this evening.

EVENING SESSION.

8 O'CLOCK P. M.

House met pursuant to adjournment; Speaker Evans in the Chair. Roll called; quorum present.

A message was received from the Senate transmitting enrolled Senate bills Nos. 20, 210, 330, 145, 119, 239, 121, 125, 83, 24, 180, 46, 93, 217, 259, 160, 226 and 281, which were presented to the Speaker, signed by him in open session, and returned to the Senate; also transmitting House bills Nos. 336, 263, 221, 180, 135, 102, 87 and 429, which the Senate has passed without amendments, and House bills Nos. 327 and 518, and House joint resolution No. 22, which the Senate has passed with amendments; also transmitting Senate bills Nos. 156, 184, 290, 292 and 365, asking the concurrence of the House in the same; and also announcing that the Senate had rejected House bill No. 429, and concurred in House amendments to Senate bill No. 1, and to House amendments to Senate bills Nos. 191 and 291.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled House bills Nos. 256, 491, 60, 269, 478, 51, 394, 440, 389, 242, 151 and 392.

ROBINSON,
Chairman.

Report accepted; enrolled bills signed by the Speaker in open session and sent to the Senate.

By leave, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your committee to whom House bills Nos. 475, 511 and 522 have been referred, having carefully examined and compared, have the honor to report back the same as correctly engrossed.

Very respectfully,
STOCKBRIDGE,
Chairman.

Report accepted, and House bills Nos. 511 and 522 were sent to the Senate.

On motion of Mr. McLean the rules were suspended to take up the following Senate bills: Nos. 66, 355, 358, 361, 269, 327, 290, 365, 323, 315, 362, 363, and substitute for Senate joint resolution No. 13.

Substitute Senate joint resolution No. 13, "Authorizing the Governor to invite proposals for the location of two branch penitentiaries, and to report the result to the next session of the Legislature," was read the first time.

Rules further suspended, substitute Senate joint resolution No. 13 read the second time and ordered to its third reading.

Rules further suspended, substitute Senate joint resolution No. 13 read the third time, passed, and its title was agreed to.

Senate bill No. 315, to be entitled "An Act to provide for repairing and making additions to the public buildings, the property of the State at Austin, Texas," was read the first time.

Rules further suspended, Senate bill No. 315 was read the second time.

On motion of Mr. Camp the rule, requiring bills making appropriations to be considered in Committee of the Whole, was suspended in this case and the bill was ordered to its third reading.

Rules further suspended, Senate bill No. 315 was read the third time and passed by the following vote:

Yeas—Messrs. Speaker, Abney, Abbott of Austin, H. R. Allen, Richard Allen, Burley, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Dorris, Franks, Gardiner, George, Hamilton, Kyle, Kendall, Lane, Locke, Lyons, Morrison, Moore of Harrison, Morris, Mitchel, Mullins, Medlock, Miller, Posey, Plumley, Prissick, Robinson, Schlotman, Schutze, Sheriff, Sinclair, Slaughter, Stockbridge, Tinsley, Williams of Walker, Youngkin, Zapp—43.

Nays—Messrs. Austin, Abbott of Hill, Becton, Booty, Bonner,

Davis, Ellis, Hughes, Jenkins, Lacy, Leonard, McLean, McKee of Guadalupe, Pierson, Ross, Simmons, Shelburne—17.

The title of the bill was agreed to.

Senate bill No. 327, to be entitled "An Act concerning railroad companies," was read the first time.

[Mr. McLean in the Chair.]

Rules further suspended and Senate bill No. 327 was read the second time.

On motion of Mr. Evans the bill was amended by striking out section four.

The bill was then ordered to its third reading.

Rules further suspended, Senate bill No. 327 read the third time, passed, and its title was agreed to.

Senate bill No. 361, to be entitled, "An Act to make an appropriation to pay fees of justices of the peace and peace officers in criminal prosecutions before justices of the peace," was read the first time.

Rules further suspended, and Senate bill No. 361 was read the second time.

On motion of Mr. Camp the rule requiring bills making appropriations to be considered in Committee of the Whole, was suspended in this case, and the bill was ordered to its third reading.

Rules further suspended, Senate bill No. 361 was read the third time and passed by the following vote:

Yeas—Messrs. Abbott of Austin, Austin, H. R. Allen, Richard Allen, Abbott of Hill, Becton, Burley, Booty, Burnett, Bonner, Cooper, Cotton, Camp, Cox, Dupree, Franks, Gaston, Gardiner, George, Hughes, Hamilton, Haswell, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Moore, Morris, McLean, McKee of Guadalupe, Mitchel, Mullins, Medlock, Miller, Posey, Pierson, Plumley, Prissick, Robb, Robinson, Ross, Schlotman, Sheriff, Simmons, Sinclair, Slaughter, Stockbridge, Shelburne, Tinsley, Williams, Youngkin, Zapp—57.

Nays—Messrs. Davis, Dorris, Ellis—3.

The title of the bill was agreed to.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have examined and found correctly enrolled House bills Nos. 331 and 362. Respectfully,

W. G. ROBINSON, Chairman.

Report accepted.

Enrolled bills signed by the Speaker and sent to the Senate.

Substitute for Senate bill No. 66, to be entitled "An Act defining the homestead and other property exempt from forced sale in this State," was read the first time.

Rules suspended, substitute for Senate bill No. 66 read the second time and its third reading was ordered.

Rules further suspended, substitute for Senate bill No. 66 read the third time, passed and its title was agreed to.

Senate bil. No. 269, to be entitled "An Act to provide substitutes for certain documents and books destroyed by fire in the court house at Goliad," was read the first time.

Rules further suspended, Senate bill No. 269 read the second time and its third reading was ordered.

Rules further suspended, Senate bill No. 269 read the third time, passed and its title agreed to.

Senate bill No. 290, to be entitled "An Act to incorporate the San Antonio Meat Extract Company of the city of San Antonio," was read the first time.

Rules further suspended, Senate bill No. 290 read the second time and its third reading was ordered.

Rules further suspended, Se ate bill No. 290 read the third time, passed and its title was agreed to.

Mr. Plumley, Chairman of the Committee of Free Conference on House bill No. 454, submitted the following report:

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee of Free Conference, to whom was referred House bill No. 454, "An Act to provide for the appointment of public weighers of cotton and wool within the State of Texas," respectfully report that the committee have agreed to report the original bill, without amendments, and recommend its passage.

Respectfully,
B. RUSH PLUMLEY,
Chairman House Committee.

The report was adopted.

Senate bill No. 323, to be entitled "An Act to authorize railroad companies to regulate the gauges of their roads," was read the first time.

Rules further suspended, Senate bill No. 323 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 323 read the third time, passed, and its title was agreed to.

Senate bill No. 355, to be entitled "An Act to confer the jurisdiction and powers heretofore exercised by the chief justices of the several counties of this State under an act approved January 13, 1862, entitled 'An Act to provide for the organization of the State Lunatic Asylum and other purposes,' upon the presiding justices," was read the first time.

Rules further suspended, Senate bill No. 355 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 355 read the third time, passed, and its title was agreed to.

Senate bill No. 358, to be entitled "An Act to fix the time when certain acts shall take effect and be in force," was read the first time

Rules further suspended, Senate bill No. 358 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 358 read the third time, and its consideration was indefinitely postponed.

Senate bill No. 362, to be entitled, "An Act supplementary to an act to provide for districting the State of Texas into judicial districts, approved July 2, A. D. 1870," was read the first time.

Rules further suspended, Senate bill No. 362 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 362 read third time, passed, and its title was agreed to.

Senate bill No. 363, to be entitled "An Act supplemental to an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870, and supplemental to an act prescribing the time of holding the terms of the district courts, approved August 10, 1870," was read the first time.

Rules further suspended, Senate bill No. 363 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 363, read the third time, passed, and its title was agreed to.

Senate bill No. 365, to be entitled "An Act supplementary to an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870," was read the first time.

Rules further suspended, Senate bill No. 365 read the second time and ordered to its third reading.

Rules further suspended, Senate bill No. 365 read third time, passed, and its title was agreed to.

Mr. Camp moved a suspension of the rules to take up House joint

resolution No. 22, and House bills Nos. 237 and 518, returned from the Senate with amendments.

Rules suspended.

The House agreed to the following amendment to House joint resolution No. 22, in relation to the salaries of provisional district judges:

Add the following proviso to the resolution: "Provided that no salary shall be audited or paid to any such provisional judge unless satisfactory evidence be produced to the Comptroller that such judge actually continued in the discharge of his official duties during the time for which he claims such salary."

The House then agreed to the following Senate amendment to House bill No. 327, entitled "An Act to incorporate the Galveston and Northeastern Railway Company:"

Add to section two: "Provided that the said railroad shall not be so located as to run in the same general direction within twenty-five miles of the Houston and Great Northern Railroad."

The House then agreed to the following Senate amendments to House bill No. 518, to be entitled "An Act authorizing and requiring the Comptroller of Public Accounts to audit the public debt of Texas, and prescribing the manner in which it shall be done:"

Amend by adding at the end of section three the following words: "Provided the holder of any claim objects to the cancellation of the same, the Comptroller shall endorse his action on said claim and return it to the owner or the person controlling it; and if the same be approved, then said claim shall be a valid and subsisting claim against the State of Texas."

Strike out the word "accruing," in section four, line sixteen, and insert the words, "the consideration of which shall have accrued."

[Speaker in the Chair.]

On motion of Mr. Cooper the rules were suspended to take up out of its regular order House bill No. 475, to be entitled "An Act creating the office of Superintendent of Public Buildings."

Rules suspended, House bill No. 475 read the third time and passed by the following vote, the yeas and nays having been called for by Messrs. Leonard, Locke and Lyons:

Yeas---Messrs. Speaker, Richard Allen, Burley, Cooper, Cotton, Camp, Dupree, Davis, Dorris, Franks, Gardiner, George, Haswell, Johnson, Locke, Morrison, Henry Moore, Morris, Mitchel, Mullins, Medlock, Plumley, Prissick, Robinson, Schlotman, Sheriff, Sinclair, Slaughter, Stockbridge, Tinsley, R. Williams, Youngkin, Zapp—33.

Nays—Messrs. Austin, C. L. Abbott, H. R. Allen, Jo. Abbott, Becton, Booty, Bonner, Cox, Ellis, Gaston, Hughes, Hamilton,

Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, McLean, J. F. McKee, Miller, Posey, Pierson, Robb, Ross, Simmons—27.

The title of the bill was agreed to and the bill sent to the Senate.

A message was received from the Senate, transmitting enrolled House bills Nos. 51, 60, 151, 242, 256, 269, 331, 362, 389, 392, 394, 440, 478 and 491 announcing that the President of the Senate had signed the same in open session; and also announcing that the Senate had adopted the report of the Committee of Free Conference on House bill No. 511, and passed the bill.

A messenger was dispatched to the Senate, with Senate bills Nos. 327, 333, 361, 269, 290, 323, 355, 362, 363 and 365, and substitute for Senate bill No. 66, which the House has passed.

A message was received from the Senate, transmitting House bills Nos. 194, 233 and 441, announcing that the Senate has passed the same.

By leave, Mr. Stockbridge offered the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That when this Legislature adjourn on the 15th instant, at 12 o'clock M., that it do adjourn to meet at Galveston on the second Tuesday in January, A. D. 1871, the time fixed by law for holding the next regular session.

Concurrent resolution read first and second times.

Mr. Slaughter moved to amend the resolution by striking out the word "Galveston," and inserting the word "Houston," in lieu thereof.

Mr. Sinclair moved to reject the amendment.

Mr. Plumley moved to lay the resolution and the amendment on the table, upon which motion the yeas and nays were called for by Messrs. Slaughter, Dorris and Ellis, and on the roll being called, it was found there was no quorum present.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 13, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I am instructed to report that House bills Nos. 389, 392, 242, 440, 394, 151, 51, 478, 269, 60, 441 and 256, have this day been presented to the Governor for approval, and that House bill No. 355 has been examined and found correctly enrolled.

ROBINSON,
Chairman.

Report accepted.

A message was received from the Senate transmitting enrolled House bill No. 355, announcing that the President of the Senate had signed the same in open session; also, Senate bill No. 157, asking the concurrence of the House in the same; and also announcing that the Senate had indefinitely postponed the consideration of the report of the Committee of Free Conference on House bill No. 454.

Senate bill No. 157 passed to orders of the day.

On motion of Mr. Franks the House at 10:30 P. M. adjourned until 11.30 A. M. Monday next.

HOUSE OF REPRESENTATIVES

AUSTIN, TEXAS, August 15, 1870.

House met pursuant to adjournment; Speaker Evans in the Chair. Roll called; quorum present.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, August 15, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have examined and compared House bills Nos. 87, 109, 135, 184, 186, 194, 205, 212, 221, 233, 263, 309, 327, 336, 356, 364, 381, 482, 503, 511, 521 and 522, and House joint resolutions Nos. 22 and 27, and find the same correctly enrolled.

Very respectfully,

ROBINSON,
Chairman Committee.

COMMITTEE ROOM,
Austin, August 15, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have examined and found correctly enrolled House bills Nos. 102, 180, 441, 517 and 518.

WILLIS G. ROBINSON,
Chairman of Committee on Enrolled Bills.

Reports accepted.

Mr. Schutze offered the following preamble and resolution:

WHEREAS, Certain persons of the city of San Antonio have passed resolutions in a so-called mass meeting, asking Hon. F. Tegener, of Gillespie county, to resign his seat in this Legislature; be it, therefore,

Resolved, That it is the sense of this body that Hon. F. Tegener is recognized by this House as a high-toned gentleman and a good and active member of the Legislature.

That Hon. F. Tegener, in his capacity as Chairman of the Committee on Indian Affairs, has done all that was in his power to submit and cause the adoption of the present frontier protection law,

which should entitle him to the gratitude and respect of all the *good* citizens of his district.

Be it further resolved, That this House should exceedingly regret if Hon. F. Tegener would comply with the wishes expressed by the resolutions of the above mentioned meeting.

Resolution read first and second times, and on motion of Mr. Morris it was adopted.

A message was received from the Senate, transmitting enrolled Senate bills Nos. 1, 19, 59, 65, 66, 69, 76, 107, 178, 183, 191, 208, 209, 244, 249, 261, 269, 290, 308, 309, 315, 317, 321, 323, 327, 333, 344, 345, 355, 362, 363, 365 and 60, and Senate joint resolution No. 13, which were presented to the Speaker, signed by him in open session, and returned to the Senate.

Also, transmitting House bills Nos. 27, 517 and 521, which the Senate has passed, and Senate bill No. 157, asking the concurrence of the House in the same; and also announcing that the Senate, on reconsideration, had passed a bill to be entitled "An Act for the relief of the Houston and Texas Central Railway Company," vetoed by the Governor August 6, 1870; and also announcing that the Senate had receded from its amendment to House bill No. 522.

A messenger was dispatched to the Senate with enrolled House bills Nos. 87, 109, 135, 184, 186, 194, 205, 212, 221, 233, 263, 309, 327, 336, 356, 364, 381, 482, 503, 511, 521 and 522, and House joint resolutions Nos. 22 and 27, for signature of the President of the Senate.

On motion of Mr. Slaughter the vote, by which the House indefinitely postponed the consideration of Senate bill No. 358, to be entitled "An Act to fix the time when certain acts shall take effect and be in force," was reconsidered.

The bill then passed, its title was agreed to, and the bill sent to the Senate.

A message was received from the Senate, transmitting enrolled House bills Nos. 87, 109, 135, 184, 186, 194, 205, 212, 221, 233, 263, 309, 327, 336, 356, 364, 381, 482, 503, 511, 521 and 522, and House joint resolutions Nos. 22 and 27, announcing that the President had signed the same in open session; also, transmitting Senate bill No. 187, asking the concurrence of the House in the same.

Senate bill No. 187 passed to orders of the day.

A messenger was dispatched to the Senate with House concurrent resolution No. 4, which the House has passed.

Mr. Camp offered the following resolution:

WHEREAS, There is a large amount of public property now in private dwellings, which has been in use by the different committees of this House; therefore be it

Resolved, That the Sergeant-at-Arms be, and is hereby ordered, to remain in this city twenty days and gather up the same; and also to gather up the keys of the desks of the House, and turn over the same to the Secretary of State. The Speaker of the House and the Chief Clerk are hereby directed to draw the warrant on the treasury for the same.

Resolution read first and second times.

On motion of Mr. Franks the resolution was amended by striking out the words "twenty days," and inserting the words "five days."

The resolution as amended was adopted.

Mr. Plumley offered the following resolution:

WHEREAS, The following named Clerks of the House of Representatives, viz: E. C. Bartholomew, L. J. Gallant, J. F. Stokes, E. N. Ketchum and W. R. Maxwell, by their incessant and arduous labors have done great service towards the advancement of House legislation; therefore be it

Resolved, That they be allowed the sum of one hundred dollars each, to be paid out of the contingent fund, and that the certificate of the Speaker, attested by the Chief Clerk, shall be sufficient authority for the Comptroller to draw his warrant on the Treasurer for said purpose.

Resolution read first and second times.

On motion of Mr. Plumley the resolution was amended by inserting the name of "A. Schutze."

On motion of Mr. Robinson it was amended by inserting the name of "John G. Boyle."

The question recurring on the adoption of the resolution as amended, the yeas and nays were called for by Messrs. Hughes, Leonard and Lane, and resulted as follows:

Yeas—Messrs. Austin, C. L. Abbott, H. R. Allen, Richard Allen, Becton, Burley, Burnett, Booty, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Gardiner, George, Harn, Hamilton, Kyle, Kendall, Lyons, Morrison, Henry Moore, Morris, McLean, Mitchel, Mullins, Medlock, Miller, Pierson, Plumley, Prissick, Robinson, Schlickum, Slaughter, Sinclair, Sheriff, Schlotman, Stockbridge, Schutze, Tegener. Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—48.

Nays—Messrs. Abney, Jo. Abbott, Bonner, Ellis, Franks, Grothaus, Hughes, Haswell, Jenkins, Lacy, Lane, Leonard, J. F. McKee, Robb, Ross, Simmons, Shelburne—17.

So the resolution was adopted.

On motion of Mr. Richard Allen the rules were suspended to allow the consideration of the following messages just received from the Governor:

EXECUTIVE OFFICE,
Austin, August 13, 1870.

Hon. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I return to your House the "Act to incorporate the Caranchua Bridge and Road Company," which originated with you, and ask that it be reconsidered.

This act, on examination, will be found to be a piece of legislation that may operate injuriously to the people of Galveston county by compelling them to pay heavily for the privilege of making a causeway and bridge from Galveston Island to the main land. It provides that the company shall within six months designate the termini of said causeway and bridge, and within two years thereafter *commence* the construction of the same. It nowhere provides, however, that the company shall ever *finish* the work. It may *commence* only and never finish, but in the meantime if the county of Galveston should desire to build such a causeway and bridge, it must pay to this company two hundred thousand dollars for the privilege.

It appears quite evident to me that this charter is asked for with no purpose in good faith of building this work, but for the purpose of exacting good terms should the county of Galveston desire to build it.

Very respectfully,
EDMUND J. DAVIS,
Governor.

The question recurring "Will the House, on reconsideration, pass the bill, viz: a bill entitled 'An Act to incorporate the Caranchua Bridge and Road Company?'" the yeas and nays were called and resulted as follows:

Yeas—Messrs. Austin, Becton, Burley, Bonner, Booty, Ellis, Gardiner, Jenkins, Kyle, Lyons, Miller, Posey, Pierson, Plumley, Prissick, Robb, Ross, Simmons, Slaughter, Sinclair, Stockbridge, Shelburne, Schutze, Zapp—24.

Nays—Messrs. Abney, H. R. Allen, Jo. Abbott, Burnett, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Grothaus, George, Hughes, Harn, Hamilton, Kendall, Lacy, Lane, Leonard, Morrison, Henry Moore, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Robinson, Sheriff, Schlickum, Schlotman, Tegener, Tinsley, R. Williams, B. F. Williams, Youngkin, Zoeller—38.

So the House, on reconsideration, refused to pass the bill.

EXECUTIVE OFFICE,
Austin, August 13, 1870.

HON. IRA H. EVANS,
Speaker of the House of Representatives:

SIR: I return to your House, where it originated, "An Act to extend the time for the location of certain land certificates," and request that the same may be reconsidered.

It will be seen, on inspection of section four of article ten of the constitution, that "all unsatisfied genuine land certificates may be located up to first of Jannary, 1875," so there is no necessity for this act as far as *genuine* or *valid* land certificates are concerned, and I do not suppose it is desired to help any other sort. The act, however, in its remarkably vague and suspicious terms, may cover a great deal of this.

The act seems to be an attempt to evade several of the provisions of said article ten, especially the seventh section. I suggest that if there are any land certificates that may justly call for special legislation to validate the location thereof, a more specific description should be required. In this instance the statute, in its general terms, opens the door to great frauds.

Very respectfully,
EDMUND J. DAVIS,
Governor.

The question recurring, "Will the House, on reconsideration, pass the bill, viz: A bill entitled 'An Act to extend the time for the location of certain land certificates?'" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Austin, Becton, Bonner, Chambers, Ellis, Gaston, Hughes, Jenkins, Lacy, Lane, Leonard, Locke, McLean, Miller, Posey, Pierson, Robb, Ross, Simmons, Slaughter—20.

Nays—Messrs. Abney, Richard Allen, Jo. Abbott, Burley, Booty, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Franks, Gardiner, Grothaus, George, Hamilton, Kendall, Morrison, Henry Moore, J. F. McKee, Mitchel, Mullins, Medlock, Prissick, Robinson, Sinclair, Sheriff, Schlickum, Schlotman, Stockbridge, Shelburne, Schutze, Tegener, Tinsley, R. Williams, B. F. Williams, Youngkin, Zapp, Zoeller—40.

So the House, on reconsideration, refused to pass the bill.

The following message was received from the Governor:

EXECUTIVE OFFICE,
AUSTIN, August 15, 1870.

Gentlemen of the Senate and House of Representatives:

Being informed by your joint committee that you are about to adjourn, *sine die*, and that you desire to know whether I have any

further communication to make before adjournment, I have to state that a large number of bills have been presented for my examination on the very eve of your adjournment, amounting on Saturday and to-day to the total of one hundred and fifty-six.

I have given these bills the best examination possible under the circumstances, but the limited time has rendered this examination very hasty and unsatisfactory to myself. I have, therefore, confined my approval to such public and private bills as appeared on this hasty examination least objectionable; and this has necessarily caused a number of acts to remain unsigned, and thereby fail to become laws by operation of the constitution. Among these there are but few general statutes; the great majority being private bills. Some of them may be meritorious, and in such case the subject may again come before you at your next session, if the necessity for them be not obviated by future general laws bearing thereon.

You will perceive thatI have assumed the proper construction of section twenty-five, article four, of the constitution, to be that bills must be presented to the Governor soon enough to allow him for the examination thereof one clear day, (exclusive of Sunday), previous to the day of adjournment. This construction I believe to be correct by analogy, but in any event it is the safe one, on the ground of public policy, as it allows a more reasonable time for the examination of the multitude of bills that are usually hurried through at the last moment.

Very respectfully,

EDMUND J. DAVIS,

Governor.

On motion of Mr. McLean, the message was laid on the table.

Mr. Robinson, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, August 15, 1870.

Hon. IRA H. EVANS,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that Enrolled Bills Nos. 577, 518, 441, 102, 521, 233, 331, 135, 327, 186, 221, 482, 194, 364, 263, 309, 87, 336, 184, 109, 205, 212, 356, 355, 522, 180, 511, 381 and 503, and House joint resolutions Nos. 27 and 22, have this day, at 11:35 o'clock A. M., been presented to the Governor for approval.

W. G. ROBINSON,
Chairman Committee on Enrolled Bills.

Report accepted.

Mr. Robb offered the following resolution:

Resolved, That the postmaster of this House be authorized to remain ten days after adjournment, in order to receive and forward members' mail as they may direct.

Resolution read first and second times, and, on motion of Mr. Dorris, it was adopted.

Mr. Plumley offered the following resolution:

Resolved, That the thanks of this House be, and they are hereby tendered to the Hon. Ira H. Evans, Speaker of the House, for the able and efficient manner in which he has discharged the duties of his office during the session of the Legislature.

Resolution read first and second times, and on motion of Mr. Morris, the resolution was unanimously adopted.

The Speaker returned his thanks to the members for the uniform kindness and courtesy which they had extended to him without distinction of party, and at 12 o'clock, M., declared the House adjourned *sine die*.

Official:

JNO. G. BOYLE,
Chief Clerk House of Representatives.

ERRATA.

Page 50, after line 4, insert "The question then recurred, 'Shall the main question be now put?' The main question was ordered."

Page 50, line 5, for "The question recurring," read "The main question being."

Page 71, line 32, after word "formation" add "of."

Page 90, line 20, for "Harrisburg" read "Henderson."

Page 114, line 5, after word "Aquilla" insert "Hill."

Page 132, line 26, after word "then" insert "to."

Page 175, line 5, for "26" read "143."

Page 176, line 15, for "Chairman" read "Speaker."

Page 262, line 12, for "M. P. Armstrong" read "M. L. Armstrong."

Page 343, line 33, for "Harrison" read "Harvin."

Page 360, line 19, for "Scyem" read "Scyene."

Page 401, line 7, for "N. M. Niss" read "A. M. Nips."

Page 474, line 37, for "for pension" read "to be entitled an act granting pensions."

Page 483, line 19, for "no" read "not."

Page 537, line 13, for "Harvill" read "Harvin."

Page 560, line 10, after word "resolution" insert "No. 14."

Page 582, line 5, for "L W. Cooper" read "Ira H. Evans."

Page 582, line 6, after "Speaker" strike out "*pro tem.*"

Page 599, line 13, before "resolution" insert "joint."

Page 599, line 27, before "resolution" insert "joint."

Page 654, line 42, for "Niks" read "Nips."

Page 673, line 27, for "Williamson" read "Williams."

Page 696, line 7, for "422" read "442."

Page 700, line 31, for "303" read "302."

Page 736, line 7, for "Stitte" read "Stith."

Page 769, line 5, after "Colorado" insert "railroad."

Page 770, line 6, for "Gr." read "Mr."

Page 792, line 1, for "97" read "197."

Page 846, line 32, for "Harwin" read "Harvin."

Page 847, line 38, for "Haman's" read "Herman's."

Page 870, line 24, for "section" read "resolution."

Page 900, line 2, for "Corouqua" read "Caranchua."

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